



City of Westminster

Item No:	
Date:	11 May 2023
Licensing Ref No:	23/01201/LIPV - Premises Licence Variation
Title of Report:	The Court 9 Kingly Street London W1B 5PH
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

Licensing Sub-Committee Report

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	27 February 2023		
Applicant:	Shaftesbury AV Limited		
Premises:	The Court		
Premises address:	9 Kingly Street London W1B 5PH	Ward:	West End
		Cumulative Impact Area:	West End Cumulative Impact Zone
		Special Consideration Zone:	None
Premises description:	The premises operate as a private members club and bar.		
Variation description:	<p>This application seeks the following:</p> <p>Part A:</p> <ol style="list-style-type: none"> To remove conditions 10 - 12 (Rules of Management), 20 & 21 (membership), and 13 -17 and 22 (various), and replace them with a suite of modern and appropriate model conditions. To increase the capacity to 220 (From 150). To increase the permitted hours on Saturdays to 01:00 and add licensable activities on Sundays until 23:00; and To update the layout of the premises in accordance with the enclosed plans, including changes to fixed seating, increase in WC provision and addition of secondary means of escape. <p>Part B:</p> <ol style="list-style-type: none"> Should the application as above be granted in accordance with this Operating Schedule and Part A, the hours of licensable activities on a Monday to Friday would be reduced to 01:00. 		
Premises licence history:	The premises has had the benefit of a premises licence since at least 2005. The current premises licence (22/09921/LIPT) can be viewed at Appendix 3 of this report along with the premises licence history.		
Applicant submissions:	As part of the application the applicant has proposed that both the existing and proposed use fall within policy PB1(c) of the Statement of Licensing Policy. Furthermore, they have stated: <i>“The removal and amendment of the conditions, together with the decrease in hours therefore provides exceptional circumstances and promotes the licensing objectives.”</i> The applicant has provided a dispersal policy and a copy of the premises planning permission. These documents can be found at Appendix 2 .		
Applicant amendments:	None.		

1-B	Current and proposed licensable activities, areas and hours					
Regulated Entertainment						
Performance of Live Music: Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	09:00	01:00	Basement & Ground floors as detailed in plan annexed to the premises licence.	No change for licensable area. (Reduction of hours offered only in the instance that Part A of the application is granted).
Tuesday	09:00	03:00	09:00	01:00		
Wednesday	09:00	03:00	09:00	01:00		
Thursday	09:00	03:00	09:00	01:00		
Friday	09:00	03:00	09:00	01:00		
Saturday	09:00	00:00	09:00	01:00		
Sunday	N/A	N/A	12:00	23:00		
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			From the start on New Year's Eve to the end time on New Year's Day		No Change	

Performance of Recorded Music: Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		09:00	01:00	Basement & Ground floors as detailed in plan annexed to the premises licence.	No change for licensable area. (Reduction of hours offered only in the instance that Part A of the application is granted).
Tuesday			09:00	01:00		
Wednesday			09:00	01:00		
Thursday			09:00	01:00		
Friday			09:00	01:00		
Saturday			09:00	01:00		
Sunday			12:00	23:00		
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			From the start on New Year's Eve to the end time on New Year's Day		No Change	

Performances of Dance: Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	09:00	01:00	Basement & Ground floors as detailed in plan annexed to the premises licence.	No change for licensable area. (Reduction of hours offered only in the instance that Part A of the application is granted).
Tuesday	09:00	03:00	09:00	01:00		
Wednesday	09:00	03:00	09:00	01:00		
Thursday	09:00	03:00	09:00	01:00		
Friday	09:00	03:00	09:00	01:00		
Saturday	09:00	00:00	09:00	01:00		
Sunday	N/A	N/A	12:00	23:00		
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			From the start on New Year's Eve to the end time on New Year's Day		No Change	

Anything of a similar description to Live Music, Recorded Music or Performance of Dance.						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	09:00	01:00	Basement & Ground floors as detailed in plan annexed to the premises licence.	No change for licensable area. (Reduction of hours offered only in the instance that Part A of the application is granted).
Tuesday	09:00	03:00	09:00	01:00		
Wednesday	09:00	03:00	09:00	01:00		
Thursday	09:00	03:00	09:00	01:00		
Friday	09:00	03:00	09:00	01:00		
Saturday	09:00	00:00	09:00	01:00		
Sunday	N/A	N/A	12:00	23:00		
Seasonal variations/ Non-standard timings:			Current:			Proposed:
			From the start on New Year's Eve to the end time on New Year's Day			No Change

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:30	23:00	01:00	Basement & Ground floors as detailed in plan annexed to the premises licence.	No change for licensable area. (Reduction of hours offered only in the instance that Part A of the application is granted).
Tuesday	23:00	03:30	23:00	01:00		
Wednesday	23:00	03:30	23:00	01:00		
Thursday	23:00	03:30	23:00	01:00		
Friday	23:00	03:30	23:00	01:00		
Saturday	23:00	00:00	23:00	01:00		
Sunday	N/A	N/A				
Seasonal variations/ Non-standard timings:			Current:			Proposed:
			From the start on New Year's Eve to the end time on New Year's Day			No Change

Sale by Retail of Alcohol						
On or off sales		Current:			Proposed:	
		Both			Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	03:00	10:00	01:00	Basement & Ground floors as detailed in plan annexed to the premises licence.	No change for licensable area. (Reduction of hours offered only in the instance that Part A of the application is granted).
Tuesday	10:00	03:00	10:00	01:00		
Wednesday	10:00	03:00	10:00	01:00		
Thursday	10:00	03:00	10:00	01:00		
Friday	10:00	03:00	10:00	01:00		
Saturday	10:00	00:00	10:00	01:00		
Sunday	12:00	22:30	12:00	23:00		
Seasonal variations/ Non-standard timings:			Current:			Proposed:
			From the start on New Year's Eve to the end time on New Year's Day			No Change

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	09:00	01:30	Basement & Ground floors as detailed in plan annexed to the premises licence.	No change for licensable area. (Reduction of hours offered only in the instance that Part A of the application is granted).
Tuesday	09:00	03:30	09:00	01:30		
Wednesday	09:00	03:30	09:00	01:30		
Thursday	09:00	03:30	09:00	01:30		
Friday	09:00	03:30	09:00	01:30		
Saturday	09:00	00:30	09:00	01:30		
Sunday	12:00	23:00	12:00	23:30		
Seasonal variations/ Non-standard timings:			Current: From the start on New Year's Eve to the end time on New Year's Day			Proposed: No Change

1-C	Layout alteration
There is no layout alteration being sought.	

1-D	Conditions being varied, added or removed
Conditions to be removed	
10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.	
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	
12. Notwithstanding the provisions of Rule of Management No.6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Friday to 03:00 on the day following.	
13. An attendant shall be on duty in the cloakroom during the whole time it is in use.	
14. The exitway to Beak Street via the open court and Kingly Court shall be maintained readily available and the collapsible gate at the inner end of the arch shall be locked back fully in the open position when the premises are in use.	
15. The spring keys to the entrance doors of No. 10 Kingly Street be removed and retained in the possession of a responsible person during the whole time the public are on the premises.	
16. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Ground floor of Nos. 9 and 10 Kingly Street - 30. Basement of No. 9 Kingly Street and Nos. 12/15 Kingly Court - 120.	
17. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.	

18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

20. The supply of alcohol at the premises shall only be sold for consumption by members and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.

21. A list of the names and addresses of members shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.

22. After 23:00 hours, the supply of alcohol at the premises shall only be to a person seated at a table.

Conditions to be added

CCTV Conditions [*updated to current model condition wording*]

(a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.

(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.

(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.

Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.

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

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

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.

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.

No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) hours on the following day.

A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

No deliveries to the premises shall take place between (23.00) and (07.00) hours on the following day.

The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (220) persons.

The variation will have no effect until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Adult entertainment:	Current position:	Proposed position:
	No Change	No Change

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	PC Tom Stewart
Received:	27 March 2023
23/01201/LIPV The Court, 9 Kingly Street, London, W1B 5PH	
Dear Westminster Licensing Service,	
I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service (“The Police”) to make representations opposing the grant of a premises licence variation application for The Court, 9 Kingly Street, London, W1b 5PH (23/01201/LIPV)	
The application seeks the following:	
<ol style="list-style-type: none"> 1. To remove conditions 10 - 12 (Rules of Management), 20 & 21 (membership), and 13 -17 and 22 (various), and replace them with a suite of modern and appropriate model conditions. 2. To increase the capacity to 220 (From 150). 3. To increase the permitted hours on Saturdays to 01:00 and add licensable activities on Sundays until 23:00; and 4. To update the layout of the premises in accordance with the enclosed plans, including changes to fixed seating, increase in WC provision and addition of secondary means of escape. 5. Should the application as above be granted in accordance with this Operating Schedule and Part A, the hours of licensable activities on a Monday to Friday would be reduced to 01:00. 	
The representation	
The Police submit that, if granted, the following variations to the premises licence would likely undermine the licensing objective ‘the prevention of crime and disorder’, as well as adversely effecting cumulative impact within the West End Cumulative Impact Zone:	
<ol style="list-style-type: none"> a. The removal of condition 22 “After 23:00 hours, the supply of alcohol at the premises shall only be to a person seated at a table”. b. The increase in capacity from 150 to 220. 	
The Police accept that the impact of the increase in licensable activities on a Saturday to 01:00 and the addition of licensable activities on Sundays until 23:00 will likely be mitigated by the offered reduction in licensable activities on a Monday to Friday.	
Statement of licensing policy (“SLP”)	
This premises falls within the Public Houses and Bars Policy (“PB1”). The premises is located within the West End Cumulative Impact Zone (“CIZ”) and as such it is Licensing Authority’s policy to refuse applications within the CIZ for such premises. This policy is intended to be strict and will only be overridden in genuinely exceptional (emphasis added) circumstances 1.	
In relation to a proposed increase in capacity, paragraph F96 within the PB1 policy states: “The Licensing Authority does not consider a case to be exceptional because the capacity of the premises, or any proposed increase in capacity is small. The high number of premises within the West End Cumulative Impact Zone means that a small increase in capacity in each premises would lead to a significant increase overall within that area. It has been commonly argued that customers will be drawn from other premises and there will be no increase in	

people within the area. The experience of the Licensing Authority is that this is not the case. The massive increase in capacities in the past and, the continuing number of further applications and the observable night-time occupancy levels of premises serve to discredit the argument.

Each incremental increase in capacity contributes in part to increasing the attraction of the area as a “honey pot” destination for night-life and to the cumulative problems created by such a high concentration of activity in the area”.

As mentioned above, the proposed increase in capacity could lead to an adverse impact on the CIZ.

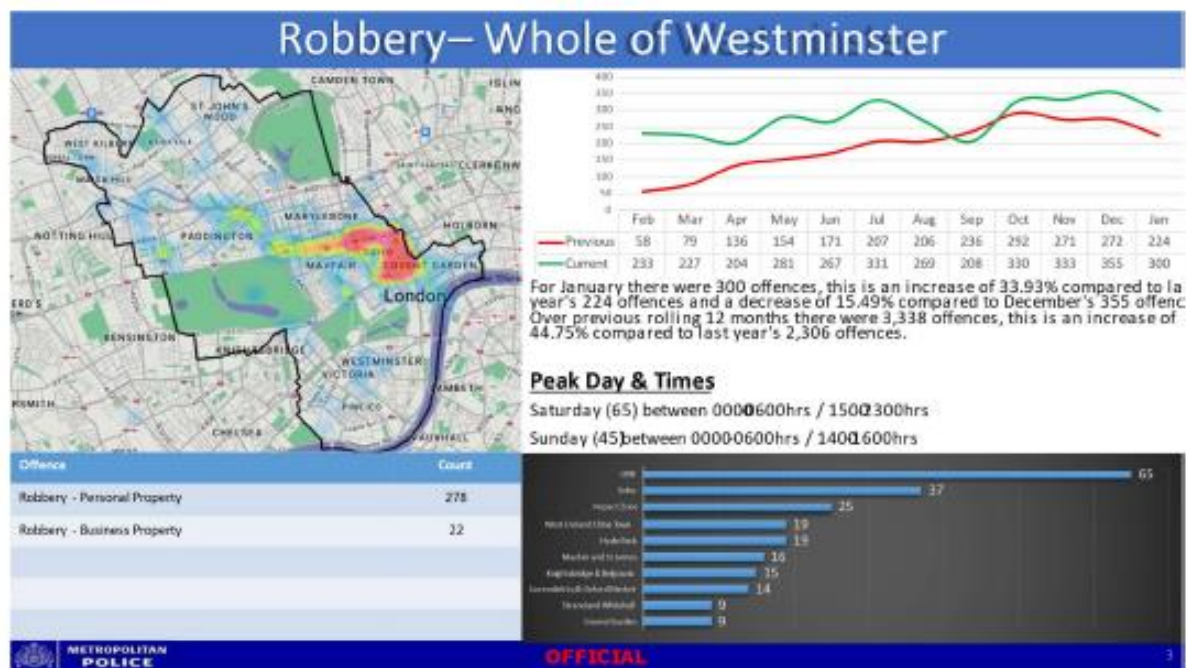
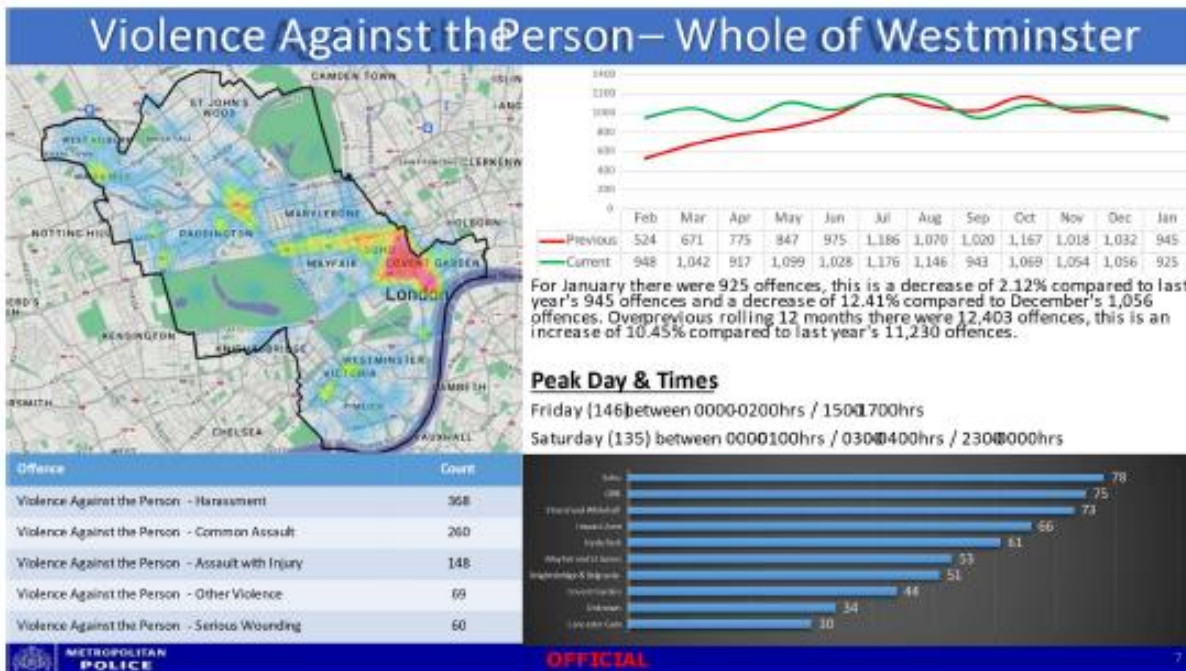
Paragraph D16 of the SLP states “The Licensing Authority’s policy, in relation to the West End Cumulative Impact Zone, is directed at the global and cumulative effects of licences on the area as a whole (emphasis added). Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the West End Cumulative Impact Zone policy to refuse certain types of applications must be for genuinely exceptional reasons (emphasis added)”.

It is the Police’s submission that the underlying reasons for the having the policy is due to the significant levels of crime, disorder, and anti-social behaviour within the West End. Current levels of alcohol related assaults, sexual assaults and robberies are higher now than they were when the Cumulative Impact Assessment was undertaken in 2020. The peak times of these crimes are 00:00 to 04:00 Friday to Saturday (trading days). Please see appendix 1 for recent crime statistics for the West End.

For the licence to be granted, the applicant will need to satisfy the sub-committee that this application can be treated as an exception to policy.

Appendix 1

West End crime statistics – January 2023



Violence Against the Person West End



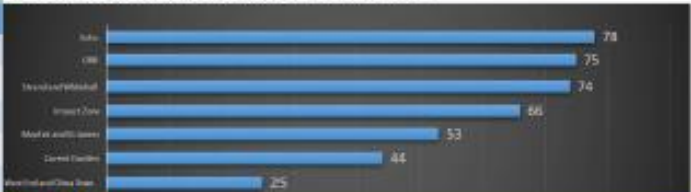
For January there were 415 offences, this is an increase of 4.01% compared to last year's 399 offences and a decrease of 19.42% compared to December's 515 offences. Over previous rolling 12 months there were 5,383 offences, this is an increase of 25.95% compared to last year's 4,274 offences.

Peak Day & Times

Sunday (90) between 0000-0500hrs / 1800-0000hrs

Saturday (78) between 0000-0400hrs / 2100-0000hrs

Offence	Count
Violence Against the Person - Common Assault	144
Violence Against the Person - Harassment	127
Violence Against the Person - Assault with Injury	70
Violence Against the Person - Other Violence	35
Violence Against the Person - Serious Wounding	34



Robbery - West End



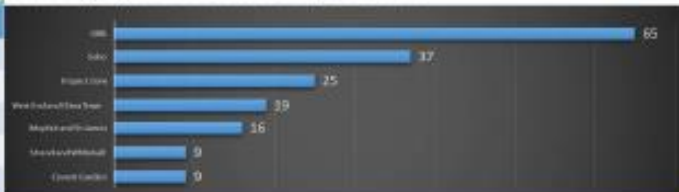
For January there were 180 offences, this is an increase of 29.50% compared to last year's 139 offences and a decrease of 22.08% compared to December's 231 offences. Over previous rolling 12 months there were 2,045 offences, this is an increase of 44.63% compared to last year's 1,414 offences.

Peak Day & Times

Sunday (54) between 0000-0600hrs

Saturday (42) between 0300-0500hrs / 1500-3000hrs

Offence	Count
Robbery - Personal Property	168
Robbery - Business Property	12



Crime statistics in relation to *day and time committed* within the West End. Inclusive of Violence against the person, Sexual assault and Robbery between March 2022 and March 2023.

Combined (Violence against the person, Sexual assault, and Robbery)

	0700 - 0959	1000 - 1259	1300 - 1559	1600 - 1859	1900 - 2159	2200 - 0059	0100 - 0359	0400 - 0659																	
Mon	3	3	3	4	3	10	4	6	10	12	9	12	13	13	20	15	20	31	15	24	13	9	6	3	261
Tue	1	2	2	5	11	13	6	2	10	5	9	6	16	14	21	28	27	27	42	35	29	8	4	6	329
Wed	4	1	2	3	6	1	2	6	3	6	8	16	21	17	15	21	29	44	36	42	35	15	2	4	339
Thu	3	4	9	1	5	3	3	10	9	13	14	15	26	17	19	42	46	70	63	51	39	25	9	3	499
Fri	7	6	6	6	9	9	8	10	13	11	21	16	22	32	46	29	74	91	84	103	79	44	10	7	743
Sat	9	6	2	4	11	8	4	9	16	14	25	30	22	34	49	62	82	98	103	101	77	48	19	5	838
Sun	7	2	3	8	2	3	6	8	13	9	13	17	17	20	27	29	26	29	30	10	24	6	5	4	318
Total	34	24	27	31	47	47	33	51	74	70	99	112	137	147	197	226	304	390	373	366	296	155	55	32	3,327

Violence against the person - March 2022 and March 2023

	0700 - 0959	1000 - 1259	1300 - 1559	1600 - 1859	1900 - 2159	2200 - 0059	0100 - 0359	0400 - 0659																	
Mon	1	3	3	3	2	8	3	4	10	11	3	10	8	9	13	7	13	20	9	12	4	6	5	2	169
Tue	1	1	2	5	8	12	4	1	9	3	7	4	9	10	14	23	15	19	32	21	21	6	4	6	237
Wed	4	1	2	3	6	1	2	5	1	4	7	13	12	12	10	12	17	29	18	19	17	11	2	2	210
Thu	3	4	7	1	4	3	2	7	7	8	10	10	18	12	12	30	30	44	34	27	19	15	6	1	314
Fri	4	3	5	3	7	8	5	7	9	9	17	13	14	16	32	23	41	61	35	53	43	25	5	5	443
Sat	8	3	1	2	7	5	3	7	8	11	16	20	13	21	30	39	48	71	63	53	51	29	11	1	521
Sun	4	1	2	4	2	1	3	5	8	6	6	11	14	14	22	21	20	20	21	7	14	4	2	3	215
Total	25	16	22	21	36	38	22	36	52	52	66	81	88	94	133	155	184	264	212	192	169	96	35	20	2,109

Sexual Assault

	0700 - 0959	1000 - 1259	1300 - 1559	1600 - 1859	1900 - 2159	2200 - 0059	0100 - 0359	0400 - 0659																	
Mon		1 1		1		3	2 1 1 4 3 1		18																
Tue		1 1	1	1	2 2 5	1 2 2 2 1 1			22																
Wed			1	1	1	4 3 5 5 11 3 1			35																
Thu		1	1 1	1 1	3 2 4 4 3 10 7 5 2 1			1	47																
Fri	2 1 1 1		3 1	2 2 2 2 3 2 17 12 16 14 7 3					91																
Sat	1	3 3	1 3	3 2 1 3 10 15 16 15 15 3 4					98																
Sun	1	1 2	2 1 1 1	1 2	2 1 5 2 5 1 1 5		1	35																	
Total	3	2	2	3	6	7	5	5	5	2	5	8	9	10	19	25	43	51	47	52	24	11	1	1	346

Robbery

	0700 - 0959	1000 - 1259	1300 - 1559	1600 - 1859	1900 - 2159	2200 - 0059	0100 - 0359	0400 - 0659																	
Mon	2	1	1 1 2	1 5 2	5 4 4	8 5 10	5 8 6 2 1 1		74																
Tue	1	2	2	1 1 2 3	5 2 2	5 11 6	9 13 8 1		74																
Wed			1 1 2 1 2	9 4 5 5 9 10 13 12 15 3				2	94																
Thu		2	2 2 4 3	5 5 3 3	8 13 16 22 19 19 9 3 1				139																
Fri	1 2	2 2 1	2 4 2 2 1	6 14 11 4 16 18 34 36 29 16 5 2					210																
Sat	1 2 1 2 1		1 1 5 3 10 7 7 12 16 14 19 12 27 35 23 15 8 4						226																
Sun	2 1	2	2 2 5 3 6 4 3 4 4 3 4 4 8 2 5 2 2 1						69																
Total	6	6	3	7	5	2	6	10	18	16	29	24	40	43	45	47	77	76	118	125	105	48	19	11	886

Responsible Authority:	The Licensing Authority
Representative:	Jessica Donovan
Received:	27 March 2023

Dear Sirs

I write in relation to the application submitted for a variation of the premises licence for The Court, 9 Kingly Street, London, W1B 5PH.

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

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

The application seeks the following variations:

- To remove conditions 10 - 17 & 20 – 22 and replace them with a suite of modern and appropriate model conditions;
- To increase the capacity to 220;
- To increase the permitted hours on Saturdays to 01:00 and add licensable activities on Sundays until 23:00; and
- To update the layout of the premises in accordance with the plans, including changes to fixed seating, increase in WC provision and addition of secondary means of escape.
- Should the application as above be granted in accordance with this Operating Schedule and Part A, the hours of licensable activities on a Monday to Friday would be reduced to 01:00.

The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and PB1.

Policy PB1(B) states

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 late-night 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.

Policy CIP1 states:

A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Paragraph F93 states, If the premises, to which the application relates is located within the West End Cumulative Impact Zone it is likely to add to the cumulative stress in that area. On this basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the West End Cumulative Impact Zone should be limited to exceptional circumstances.

The Licensing Authority note that subject to the grant of this application the hours for Monday to Friday will be reduced to 01:00. However, the proposed hours for licensable activities specified on this application do fall outside of Westminster's core hours for Pubs and Bars and therefore the applicant will have to demonstrate exceptional circumstances to depart from the policy.

The Core hours for Pubs and Bars are:

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

Paragraph D16 states, The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide submissions as to how the increase in hours and capacity by 70 persons will not add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1.

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

Please accept this as a formal representation.

Responsible Authority:	Environmental Health Consultation Service
Representative:	Dave Nevitt
Received:	27 March 2023

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.

2-B	Other Persons		
Name:	The Soho Society		
Address and/or Residents Association:	Saint Anne's Tower 55 Dean Street London W1D 6AF		
Status:	Valid	In support or opposed:	Opposed
Received:	27 March 2023		

We write to make a relevant representation to the above application on behalf of The Soho Society

About the Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

Application summary

Premises variation.

PART A: the premises is currently subject to, inter alia, conditions 20 and 21 in relation to membership and a capacity of 150.

The current hours for the provision of licensable activities are 3am Monday - Friday, Midnight Saturday and 22:30 Sunday.

1. To remove conditions 10 -12 (Rules of Management) 20 and 21 (membership) and 13 -17 and 22 (various) and replace them with a suite of modern and appropriate model conditions
2. To increase capacity to 220
3. To increase permitted hours on Saturday 01:00 and to add licensable activities on Sundays until 23:00; and
4. To update the layout of the premises in accordance with the enclosed plans, including changes to fixed seating, increase in WC provision and addition second means of escape.

PART B: should the application as above be granted in accordance with this operation schedule and Part A, the hours of licensable activities on Monday to Friday would be reduced to 01:00.

Alcohol: Monday - Saturday: 10:00 - 01:00. Sunday: 12:00 - 23:00

Late Night Refreshment: Monday - Saturday: 23:00 - 01:00

Live Music / Recorded Music / Performance of Dance / Anything Similar:

Monday - Saturday: 09:00 - 01:00. Sunday: 12:00 - 23:00

Opening Hours: Monday - Friday: 09:00- 01.30. Saturday: 09:00 - 00:30 (assume this is a typo). Sun: 12:00 - 23:30

Capacity: 220

On and Off sales

Representation

We object to this application as currently presented, any late night bar in Soho will fail to promote the licensing objectives and increase cumulative impact in the West End Cumulative Impact Zone.

The applicant proposes an exception to policy under PB1(c) we disagree and also say it fails the tests under PB1 (B) which states:

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 existence licence so as to reduce the overall capacity of the premises. (our emphasis)**

We note on Saturdays the current hours fall within the Core Hours Policy of midnight whereas this proposal aims to increase the hour to 1am, and on Sundays the proposed hour of 11pm also falls outside policy. For information there have been two previous applications to extend the Saturday licensable activities of midnight by reducing and transferring the terminal hours on Monday, the application in 2018 18/03731/LIPV was refused and the application in 2022 22/08338/LIPV was withdrawn. This also raises the question if the proposed reduction of hours from 3am to 1am on Mondays, and we also include Tuesdays are indeed true reductions in hours, these days being the quietest nights of the week and Saturdays the busiest and where an additional hours with 220 people leaving at 1.30am will have a detrimental impact on the licensing objectives and increase cumulative impact.

This application also aims to change the operation from a private members club to a public access bar/music and dance and increase capacity from 150 to 220 an increase of 70 people (47%). The licensing plan attached to the application confirms the increase with a ground floor capacity of 20 and basement 200. However, the recent planning application (23/00990/FULL) confirms 220 and also presents the split of 77 being seated and 123 standing highlighting the vertical drinking nature of the operation.

The Soho Society Planning Committee has submitted an objection to the proposed hours and capacity, stating they would not object to licensing core hours and the capacity to remain at 150. We agree with this proposal in our view any reduction in hours should fall within the core hours policy and not beyond, and if the applicant agreed to this and a reduction in capacity to 150 we will withdraw this objection.

Soho

We are concerned that granting any new licences in this area will have an impact on the licensing objectives, Soho has the highest concentration of licensed premises in Westminster, **478** with a large proportion (25%) being late night licences. There are **118** licensed premises between the hours of **1am - 6am**, with a capacity of over **22,480**. The area is densely populated at night with people creating loud levels of noise causing disturbance, alongside an increase in crime, disorder and anti-social behaviour.

Residents

Residents already suffer from high levels of noise and disturbance during the evening and late into the night from the huge numbers of intoxicated people on the street. They are disturbed as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming, horns honking, they are also subjected to anti-social behaviour with people vomiting and urinating in the street or in their doorways.

We know residents who live nearby are already disturbed by patrons as they leave other late night premises in the area who are usually highly intoxicated, making a noise as they pass by to continue their night out or while they wait to be picked up by taxis, the addition of more people later at night will create more disturbance.

We acknowledge the dispersal policy produced by the applicant, but it brings little comfort that the management systems and 24/7 security team can prevent residents from being disturbed as these have failed to prevent noise nuisance as evidenced by the experience of residents above. We do not believe SIAs or any other security measures in the area can mitigate against the impact of 220 intoxicated people being discharged onto the streets at 1.30am, they can't control their dispersal routes and can't stop them from carrying on their night out in Soho making a noise and disturbing residents along the way.

With all of the above it is unsurprising residents experience sleep disturbance, a recent survey conducted by the Soho Society confirms that residents are disturbed by noise at night and this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

When asked about disturbed sleep; 24% of respondents have their sleep disturbed 7 nights a week, 16% 5 or 6 nights a week and 19% 3 or 4 nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

The full survey can be found in **Appendix 1**.

Crime and Disorder

The Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, **it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.** The level of crime, disorder and anti social behaviour continues to be a huge problem in Soho, the crime figures are high and increasing. The recent police crime report for December 2022 highlights Soho as having the highest number of robberies, overall knife crime and violence against the person compared to other areas within the CIZ. The Committee will be aware of another recent serious incident on Greek Street where two police officers were stabbed which appears to be linked to the drugs trade, this follows on from another serious incident in the same street where a man was seriously injured. This highlight and confirms what residents already know about how unsafe Soho is at night.

In Soho the majority of robberies take place at night, people are targeted as they leave venues. Alongside the robberies and assaults there is drug dealing which is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or those just passing by. There are more dealers in the area at night than during the day, this is directly linked to the large number of venues and people on the streets which creates the drugs market. Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away.

It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target them. We believe patrons leaving this bar at night will be at high risk of becoming victims.

Cumulative Impact Policy CIP1

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, it describes the high level of cumulative impact in the West End Zone between 2017-2019. It concludes that,

*'After consideration of the cumulative impact assessment it is the Licensing Authority's view **that the number of premises licences in the West End, are such that it is likely granting***

further types of licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives. The granting of licences for certain types of operation that are likely to add to Cumulative Impact within these areas would not be consistent with the Licensing Authority's duty under the Licensing Act 2003.'
(p.19) ***(Our emphasis)***

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but it may in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, our observation is Soho attracts more people now than at pre-COVID times.

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy).

D23. 'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance. It goes on, 'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.' ***(our emphasis)***

It is important to note the policy relates to the global effects in the whole impact zone and not just a part of it, any argument that there are few residents in the area therefore cumulative impact does not apply is not valid.

The policy has a presumption to refuse applications within the West End Cumulative Impact Zone for pubs, bars and music and dance premises, unless to vary the application within core hours and reduce the capacity, this application aims to increase capacity and vary the hours from 3am to 1am Monday to Friday but increase the hours on a Saturday and Sunday. The applicant needs to demonstrate an exception to policy.

In summary

This application as presented will fail to promote the licensing objectives and increase cumulative impact in the West End Cumulative Impact Zone. However, we will withdraw this objection if the applicant agrees to reduce the hours inline with the core hours policy for Pubs and Bars PB1 and reduce the capacity to the existing figure of 150.

Yours faithfully,

Licensing Committee
The Soho Society

Appendix 1: Soho Society Sleep Survey Results - 31st October 2022

This survey conducted by the Soho Society confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords

10 respondents have children living at home with them

58% have double glazing
37% single glazing
5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week
16% of respondents have their sleep disturbed 5 or 6 nights a week
19% of respondents have their sleep disturbed 3 or 4 nights a week
19% of respondents have their sleep disturbed once or twice a week
20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

I live in Marshall St and overlook it. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

END

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

	<p>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>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>6. Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight. Sunday: Midday to 10.30pm. Sundays immediately prior to a bank holiday: Midday to Midnight</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement. Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.</p>
<p>Policy MD1 (A) applies</p>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1 4. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a music and dance premises or similar entertainment in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or, 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

	<p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The operation of any delivery services for alcohol and/or late-night refreshment meeting the Council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 3. The application and operation of the venue continuing to meet the definition of a music and dance premises in Clause D. <p>D. For the purposes of this policy a music and dance premises is defined as a premises whereby the primary purpose of the venue is to:</p> <ol style="list-style-type: none"> 1. Provide regulated entertainment in the form of music, either in the form of live performances or recorded, to customers. 2. Provide regulated entertainment in the form of music, either as live performances or recorded, and provide facilities for the provision of dance. 3. The sale by retail of alcohol may be provided as either a considerable element of the operation of the premises or ancillary to the provision of regulated entertainment. <ol style="list-style-type: none"> a. Examples of venues that would fall within this policy are night clubs or bars that provide music and dancing. b. De-regulated entertainment (as set out in the glossary will not be subject to this policy).
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

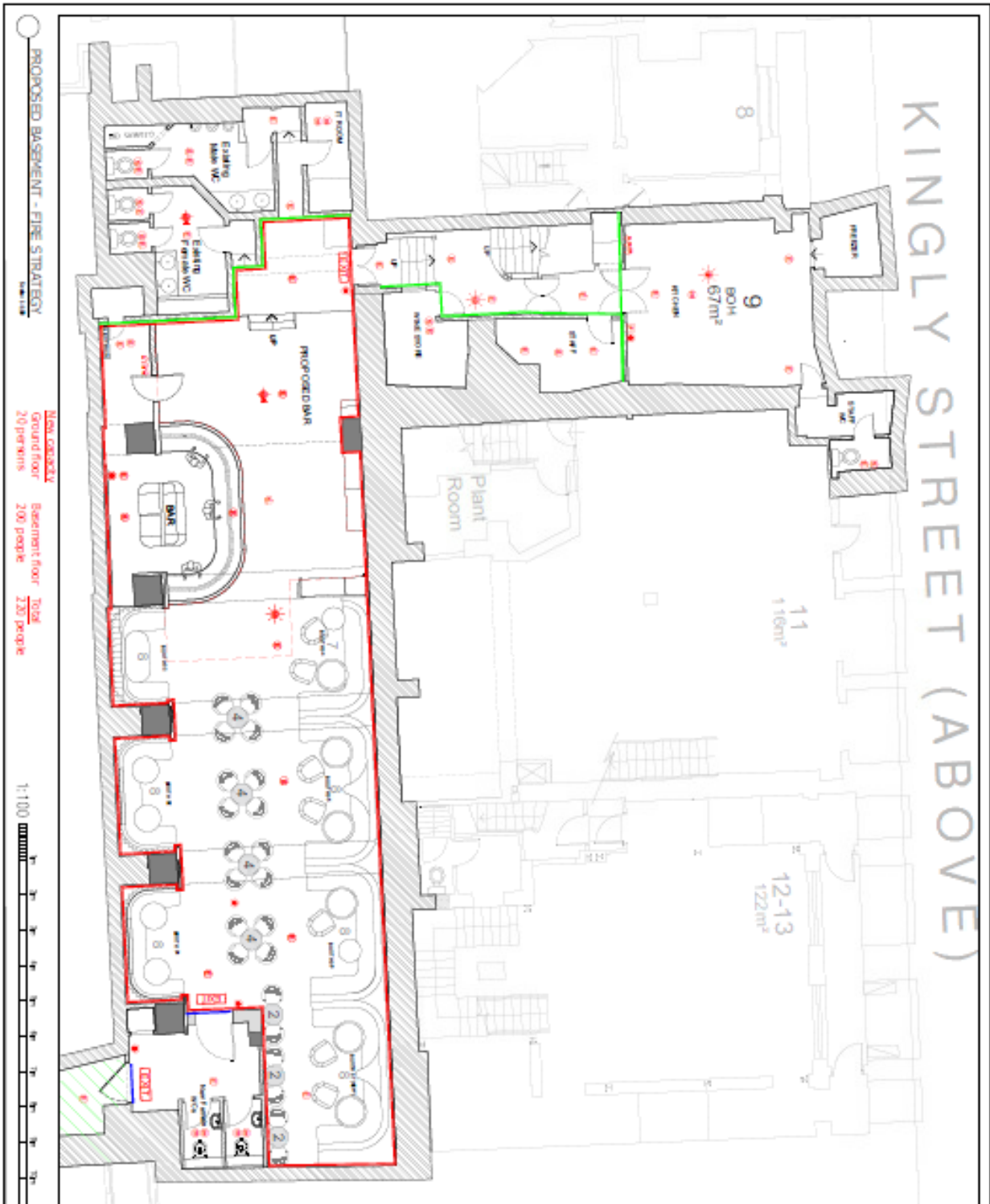
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Current premises licence and history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Ms Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service representation	27 March 2023
5	Licensing Authority representation	27 March 2023
6	Environmental Health representation	27 March 2023
7	Interested Party 1	27 March 2023



PROPOSED BASEMENT - FIRE STRATEGY

Non-concave
Ground floor 20 persons
Basement floor 200 people
Total 220 people

1:100

FIRE ALARM SCHEDULE

- FIRE ALARM SHALL INSTANTLY NOTIFY FIRE SIGNALING TO NOTIFY FIRE SERVICE BY PHONE
- INSTANTLY NOTIFY FIRE ALARM CONTROL ROOM OF THIS BUILDING AND VISIBLE SIGNAL TO ALL FIRE SERVICE VEHICLES
- ALTHOUGH EXISTING ALARM IS COMPATIBLE CODED BY LOCATION SIGNAL TO NOTIFY
- SMOKE DETECTOR
- HEAT DETECTOR
- MANUAL CALL POINT
- FIRE ALARM CONTROL PANEL
- FIRE ALARM CONTROL RESET

FIRE COMPARTMENTATION

- ROOMS TO BE COMPARTMENTED TO SEPARATE FROM OTHER ROOMS
- WALLS TO BE COMPARTMENTED FROM OTHER ROOMS
- DOORS TO BE COMPARTMENTED FROM OTHER ROOMS
- STAIRS TO BE COMPARTMENTED FROM OTHER ROOMS
- BALCONY TO BE COMPARTMENTED FROM OTHER ROOMS

GENERAL NOTES/LEGEND

- NEW TO BE CONSTRUCTION
- EXISTING CONSTRUCTION
- EXISTING CONSTRUCTION TO BE DEMOLISHED
- EXISTING CONSTRUCTION TO BE DEMOLISHED AND REBUILD

PROPOSED FIRE STRATEGY

9 Kingly Street

Proposed Fire Strategy

Basement Floor Plan

Fire Strategy

GMPRP

14/10/2022

32164_201

Applicant Supporting Documents

Appendix 2

The Applicant has provided a dispersal Policy and a copy of the Planning permission decision notice.

**9 Kingly Street
London
W1B 5PH**

Dispersal Policy

March 2022

1 Introduction

- 1.1 This document is submitted by Shaftesbury AV Limited in support of its variation of Premises Licence application in respect of 9 Kingly Street, London W1B 5PH (“**the Premises**”).
- 1.2 Shaftesbury is committed to ensuring a high standard of professional and responsible management. The envisaged management systems will be crafted to ensure that the Premises is ultimately operated successfully, sympathetically and without adversely affecting local residents or businesses.
- 1.3 The controls set out in this document will be subject to the conditions of the planning (where appropriate) and licensing regimes, placing emphasis on the promotion of the Licensing Objectives.
- 1.4 The intention is that the ultimate operator will be required to comply with the core principles set out in this document. Specific conditions set out below form either part of the existing premises licence, or are proposed as part of the Operating Schedule to the variation application and are to be confirmed in relation the premises licence ultimately granted.
- 1.5 The standard operating hours sought for the Premises under the application are as follows:

	Opening Hours	Sale of Alcohol Regulated Entertainment	Late Night Refreshment
	Timings	Timings	Timings
Monday to Saturday	09:00 – 01:30	09:00 – 01:00	23:00 – 01:00
Sunday	12:00 – 23:30	12:00 – 23:00	N/A

2 Planned Management Measures for Control of Noise

Executive Summary

- 2.1 Shaftesbury recognises the need to protect the amenity of nearby residents and will require the operator to put in place measures to limit potential disturbance by noise. The proposed noise control measures are designed to minimise any potential nuisance to local residents or businesses.
- 2.2 The departure of customers from the Premises shall be managed in accordance with the Dispersal Policy at section 5 of this document. The management controls set out in the Dispersal Policy are designed to ensure all customers leave the area as quickly and as quietly as possible.
- 2.3 A Deliveries, Collections & Servicing Procedure seeks to ensure these activities have minimal, if any, impact on the local amenity. The relevant procedures are set out in section 7 of this document. The key objective of these procedures is to ensure residents and other businesses are not disturbed by noise from the Premises in accordance with the Licensing Objective: Prevention of Public Nuisance

Prevention of Noise and Vibration

- 2.4 The objective of the management controls are to ensure residents are not disturbed by noise from the Premises in accordance with Policy PN1.
- 2.5 The Premises has historically been licensed for regulated entertainment: live and recorded music and the performance of dance.
- 2.6 Where deemed appropriate by the operator, suitably qualified SIA door staff will also be employed at appropriate times, determined by a risk assessment, to provide security and uphold noise control measures.
- 2.7 The following conditions form part of the Premises Licence or are offered as part of the Operating Schedule for the additional hours sought by the variation application:
- 2.7.1 *“Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.”*
- 2.7.2 *“All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.”*
- 2.7.3 *“No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.”*

- 2.7.4 *“Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.”*
- 2.7.5 *“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.”*

3 General Operational Controls

3.1 The operator's management team will be expected to take their responsibilities as a neighbour very seriously. Management controls are expected to include:

3.1.1 Extensive employee induction and on-going refresher training, including:

3.1.1.1 Responsibilities in the local area and towards local residents.

3.1.1.2 Customer care and hospitality.

3.1.1.3 Complaint handling.

3.1.1.4 Food Safety.

3.1.1.5 Health and Safety.

3.1.1.6 Fire Safety.

3.1.1.7 Obligations under the Licensing Act 2003.

3.2 Operational procedures to mitigate nuisance in the local area, including:

3.2.1 Responsible management of customers in and outside the Premises.

3.2.2 Controlled management of the arrival of customers.

3.2.4 Controlling and supervising customer smoking (see section 4 below).

3.2.5 Sympathetic servicing of the Premises, see licence conditions for further details.

3.2.6 Internal CCTV coverage including full frontal imaging of anyone entering the Premises. At any given time, there will be at least one member of staff on duty who is fully trained to operate the CCTV system.

4 Smoking Policy

- 4.1 Shaftesbury is fully committed to ensuring cleanliness and reducing the noise level surrounding the Premises. With many nearby properties forming part of the Shaftesbury portfolio, this is of particular importance.
- 4.2 A smoking policy will be put into place which will require customers and staff smoke away from the Premises. Customers and Staff will also be encouraged to leave the Premises quietly and to not congregate or smoke in the immediate vicinity of the Premises to ensure residential amenity is not disturbed.
- 4.3 The smoking policy will be kept under constant review to ensure no disruption is caused

5 Dispersal Policy

OBJECTIVE

- 5.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
- 5.2 By following this Dispersal Policy patrons will be managed professionally and responsibly to ensure they make their journey home without any adverse impact on our neighbours.
- 5.3 The Policy prevents public nuisance from the following risks:
 - 5.3.1 Noisy or anti-social behaviour by patrons leaving the Premises.
 - 5.3.2 Large numbers of people leaving the Premises at the same time.
- 5.4 The Policy also helps to ensure patrons make their journey home safely and do not become victims of crime. See further: "Safeguarding" below.

LOCATION

- 5.5 The main entrance/exit of the Premises is located on Kingly Street. This entrance shall be monitored by reception staff inside the Premises during busy periods and late at night, where deemed necessary. Kingly Court (with no residential uses) is located to the rear of the Premises.
- 5.6 In the event of an emergency, a full fire evacuation plan will be in place.

DEDICATED TELEPHONE NUMBER

- 5.7 A dedicated telephone number for the designated premises supervisor or the duty manager will be maintained for use by any person who may wish to speak to an appropriate member of staff for any issues arising, including dispersal of patrons from the Premises at night, and this will be communicated at the outset to the local community.

DISPERSAL

- 5.8 Customers are expected to depart the Premises in a gradual and controlled manner until close.
- 5.9 Towards closing time, the following measures are taken to ensure a gradual and quiet closure of the Premises. These may include:
 - 5.9.1 Raised lighting levels where appropriate.
 - 5.9.2 Reduced music levels where appropriate.
 - 5.9.3 Politely reminding customers the Premises is about to close.

5.9.4 Asking customers if they require a taxi and advising customers to wait inside the Premises.

5.10 All exits have notices informing customers to respect local residents by leaving the area quietly and efficiently

5.11 Where appropriate, customers will be directed to nearby transport links and requested to leave quietly.

TRANSPORT

5.12 Customers historically arrive and depart by various modes of transport, including by foot and private car.

5.13 When arriving by private car and if required, customers and drivers are reminded not to leave engines running unnecessarily, to keep conversation to a minimum and avoid slamming car doors.

5.14 The Premises are serviced by various public transport links, as set out below. All staff shall be familiar with the transport links so they can advise customers when required.

TUBE

5.15 The following tube stations are located within an easy walking distance of the Premises, with a late night 24 hour tube service, in normal times, available on a Friday and Saturday:

- a) Oxford Circus: 0.2 mile / 5 minute walk / Victoria, Central and Bakerloo Line
- b) Piccadilly Circus: 0.3 mile / 6 minute walk / Piccadilly and Bakerloo Line
- c) Green Park: 0.6 mile / 12 minute walk / Jubilee, Piccadilly and Victoria Line
- d) Tottenham Court Road: 0.6 mile / 12 minute walk / Central, Northern and Elizabeth Line

5.16 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

BUSES

5.17 The Premises is well serviced by public buses. TFL bus services go to a variety of destinations throughout London from nearby bus stops.

5.18 Bus routes include: 12, 22, 88, 94, 139, 159, 453, N3, N15, N22, N109, N113, N136

TAXI

5.19 Black cabs are available right through the day and night in the area or can be called by staff on any app based service.

- 5.20 The nearest taxi rank is on New Burlington Street (Samantha's) with a capacity for 4 vehicles. Further taxi ranks are located on nearby Regent Street (Heddon Street) with a capacity for 8 vehicles and Conduit Street with a capacity for 2 vehicles.

PRIVATE CAR SERVICE

- 5.21 The Premises can recommend a private car booking service. In the event a customer wants to book a car home, the customer can wait inside the Premises until their car has arrived at nearby Regent Street (Kingly Street itself being pedestrianised) to ensure a quick and quiet exit.
- 5.22 Customers will be encouraged to quickly and quietly disperse towards their waiting vehicle to minimise any noise disruption.

6 Safeguarding and Estate Security

- 6.1 The safeguarding of customers will be promoted in the following ways:
- 6.1.1 CSAS trained security guards in the Shaftesbury Estate;
 - 6.1.2 Active Estate Management, including 24/7 security;
 - 6.1.3 Membership of the Safer West End Business Crime Reduction Partnership;
 - 6.1.4 Radio links to police and estate security;
 - 6.1.5 Carnaby WhatsApp group membership to communicate issues and emergencies between tenants, managing agents, Safer West End and Estate Security;
 - 6.1.6 24/7 property management; and
 - 6.1.7 Promotion of safe place – supporting those within the vicinity who are vulnerable as a result of intoxication or other issues associated with the night time economy.
- 6.2 Shaftesbury has a 24/7 security team which works on the estate, with an office currently located on the second floor of Kingly Court. There are 14 CCTV cameras covering the public areas of the courtyard upper walkways and passageways.

7 Deliveries, Collections & Servicing

- 7.1 Deliveries and collections will be arranged carefully with an intention to be sympathetic to the local amenity. Wherever possible, multiple deliveries and/or collections will be combined to seek to avoid high numbers of vehicles servicing the Premises, with electronic vehicles preferable if available. Late night and early morning delivery and collection times are avoided wherever possible, to avoid disturbing local residents.
- 7.2 Servicing vehicles will be encouraged to load and unload goods quietly and quickly so as to ensure vehicle waiting time is limited. Drivers will be advised to turn engines off when delivering to reduce noise and pollution.
- 7.3 All servicing will be undertaken via Kingly Street during day time hours of 07:00 and 11:00 Monday to Saturday, with early morning deliveries (between 07:00 and 08:00) limited to essential deliveries only.
- 7.4 Refuse and waste will be stored at basement level pending collection, with access to the communal refuse area at Kingly Court should that be necessary. Tenants will be encouraged to utilise Westminster's preferred refuse contractor.
- 7.5 The following conditions are existing or offered as part of the variation application:
- 7.5.1 *"All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times."*
- 7.5.2 *"No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day."*
- 7.5.3 *"No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) hours on the following day."*

8 Closing Procedure

- 8.1 Management controls will be implemented to ensure that the closing procedure has no adverse impact on local residents or businesses. The procedure shall promote a quick and quiet closure of the Premises.
- 8.2 Management controls are expected to include:
 - 8.2.1 Ensuring all customers will be off the Premises by the authorised closing times. There are no exceptions to this rule whatsoever.
 - 8.2.2 A prompt clean and clear up of the Premises as soon as possible after closure.
 - 8.2.3 Employees must leave the Premises quickly and quietly, at all times following the Dispersal Policy set out above.
 - 8.2.4 Employees are not permitted to loiter outside the Premises after closing.
 - 8.2.5 The pavement will be swept and cleaned every day.

9 Conclusion

- 9.1 A culmination of all these controls and safeguards combine to ensure the Premises shall be operated successfully and with minimal, if any, impact on the local amenity.
- 9.2 Shaftesbury will work with the ultimate operator to implement the controls envisaged in this management document and welcomes comment from both Responsible Authorities and Local Residents in respect of its proposals.



Your ref: P08402 - 9-11 Kingly Street -...

My ref: 23/00990/FULL

**Please
reply to:**

Tel No:

Tristan Goldsmid

Mr Ellis Heath
Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ**Town Planning & Building Control**
Westminster City Council
PO Box 732
Redhill, RH1 9FL

26 April 2023

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE**Application No:** 23/00990/FULL**Date Received:** 15.02.2023**Date Amended:** 28.02.2023**Plan Nos:** 3264_051 B ; 3264_050 B**Address:** 9 - 11 Kingly Street, London, W1B 5PH,**Proposal:** Use of basement and ground floors as bar/drinking establishment (Sui Generis).

See next page for conditions/reasons.

Yours faithfully

Deirdra Armsby
Director of Town Planning & Building Control

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

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- The terms 'us' and 'we' refer to the Council as local planning authority.



Condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the bar/drinking establishment use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the bar/drinking establishment. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 4 You must not allow more than 220 customers into the basement and ground floor drinking establishment use hereby approved at any one time.

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Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 5 You must apply to us for approval of a management plan to show how you will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings. The plan must include details of how the use is to be managed and operated, including arrival and departure of customers. You must not start the bar/drinking use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the bar is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 6 Customers shall not be permitted within the drinking establishment between the hours of 09:00 - 01:30 Monday to Saturday, and 12:00 to 11:30 on Sundays and bank holidays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 7 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 5 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

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- 6 The term 'clearly mark' in condition 3 means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 7 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.

- 8 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

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City of Westminster

TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Applicant's Rights and General Information

1. Applicant's Rights (refusals and conditional approvals)

a) Appeals to the Planning Inspectorate

If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
 - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
 - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
 - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
 - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
 - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

With immediate effect, prospective appellants requesting an inquiry into their appeal must

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notify the Local Planning Authority and Planning Inspectorate at least 10 days prior to appeal submission.

If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at www.planningportal.gov.uk/planning/appeals/online/makeanappeal

APPROVAL OF DETAILS:

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at www.westminster.gov.uk/planning

b) Purchase Notices

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

2. General information relating to all approvals

a) Other legislative requirements

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

Transportation: If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email highwaysplanning@westminster.gov.uk or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

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Highways Licensing: For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

Building Control: You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email: districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site:

<https://www.westminster.gov.uk/building-control>

Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court, 2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or Email: enquiries@environment-agency.gov.uk.

b) Provision of access and facilities for disabled people

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

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Schedule 12
Part A

WARD: West End
UPRN: 100023470412

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

22/09921/LIPT

Original Reference:

05/08618/LIPC

Part 1 – Premises details

Postal address of premises:

The Court
9 Kingly Street
London
W1B 5PH

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
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 Dance

Monday to Friday: 09:00 to 03:00

Saturday: 09:00 to 00:00

Seasonal Details: From the start on new Year's Eve to the end time on New Year's Day

Performance of Live Music

Monday to Friday: 09:00 to 03:00

Saturday: 09:00 to 00:00

Seasonal Details: From the start time on New Year's Eve to the end time on New Year's Day

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Friday: 09:00 to 03:00

Saturday: 09:00 to 00:00

Seasonal Details: From the start time on New Year's Eve to the end time on New Year's Day

Late Night Refreshment

Monday to Friday: 23:00 to 03:30
Saturday: 23:00 to 00:00
Seasonal Details: From the start time on New Year's Eve to the end time on New Year's Day.

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 Friday: 10:00 to 03:00
Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30
Seasonal Details: From the start time on New Year's Eve to the end time on New Year's Day.

The opening hours of the premises:

Monday to Friday: 09:00 to 03:30
Saturday: 09:00 to 00:30
Sunday: 12:00 to 23:00
Seasonal Details: From the start time on New Year's Eve to the end time on Ne New Year's Day

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:**

Shaftesbury Av Limited
22 Ganton Street
Carnaby
London
W1F 7FD

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

09379734

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

Name: Thomas Allerton

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: PERS1320
Licensing Authority: London Borough Of Lambeth

Date: 02 November 2022

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

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person 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.
 - (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.
 - (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.
 - (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. 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

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No.6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Friday to 03:00 on the day following.
13. An attendant shall be on duty in the cloakroom during the whole time it is in use.
14. The exitway to Beak Street via the open court and Kingly Court shall be maintained readily available and the collapsible gate at the inner end of the arch shall be locked back fully in the open position when the premises are in use.
15. The spring keys to the entrance doors of No. 10 Kingly Street be removed and retained in the possession of a responsible person during the whole time the public are on the premises.
16. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Ground floor of Nos. 9 and 10 Kingly Street - 30. Basement of No. 9 Kingly Street and Nos. 12/15 Kingly Court - 120.
17. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
20. The supply of alcohol at the premises shall only be sold for consumption by members and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
21. A list of the names and addresses of members shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.

22. After 23:00 hours, the supply of alcohol at the premises shall only be to a person seated at a table
23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. All external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. 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.
28. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close
29. 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.
30. 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.
31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 100023470412

Premises licence
summary

Regulation 33, 34

Premises licence number:

22/09921/LIPT

Part 1 – Premises details

Postal address of premises:

The Court
9 Kingly Street
London
W1B 5PH

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
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 Dance

Monday to Friday: 09:00 to 03:00
Saturday: 09:00 to 00:00
Seasonal Details: From the start on new Year's Eve to the end time on New Year's Day

Performance of Live Music

Monday to Friday: 09:00 to 03:00
Saturday: 09:00 to 00:00
Seasonal Details: From the start time on New Year's Eve to the end time on New Year's Day

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Friday: 09:00 to 03:00
Saturday: 09:00 to 00:00

Late Night Refreshment

Monday to Friday: 23:00 to 03:30
Saturday: 23:00 to 00:00
Seasonal Details: From the start time on New Year's Eve to the end time on New Year's Day.

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 Friday: 10:00 to 03:00
Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30
Seasonal Details: From the start time on New Year's Eve to the end time on New Year's Day.

The opening hours of the premises:

Monday to Friday: 09:00 to 03:30
Saturday: 09:00 to 00:30
Sunday: 12:00 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:

Shaftsbury AV Limited
22 Ganton Street
Carnaby
London
W1F 7FD

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

09379734

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

Name: Thomas Allteron

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

Restricted

Date: 02 November 2022

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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/08618/LIPC	Conversion from Justices licence	18.09.2005	Granted under delegated authority
06/06887/WCCMAP	Master Licence	18.09.2005	Granted under delegated authority
12/06745/LIPDPS	Vary designated premises supervisor	29.08.2012	Granted under delegated authority
18/03731/LIPV	Variation to Licence	04.06.2018	Granted by Licensing Sub-Committee
18/12396/LIPT	Transfer Licence	06.12.2018	Granted under delegated authority
19/01341/LIPT	Transfer Licence	06.03.2019	Granted under delegated authority
19/01344/LIPV	Variation to Licence	06.03.2019	Granted under delegated authority
19/03433/LIPDPS	Vary designated premises supervisor	11.06.2019	Granted under delegated authority
20/02060/LIPDPS	Vary designated premises supervisor	10.03.2020	Granted under delegated authority
22/09921/LIPT	Transfer Licence	02.11.2022	Granted under delegated authority

There is no appeal history

Appendix 4

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.

9. 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

- ~~10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.~~
- ~~11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).~~
- ~~12. Notwithstanding the provisions of Rule of Management No.6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Friday to 03:00 on the day following.~~
- ~~13. An attendant shall be on duty in the cloakroom during the whole time it is in use.~~
- ~~14. The exitway to Beak Street via the open court and Kingly Court shall be maintained readily available and the collapsible gate at the inner end of the arch shall be locked back fully in the open position when the premises are in use.~~
- ~~15. The spring keys to the entrance doors of No. 10 Kingly Street be removed and retained in the possession of a responsible person during the whole time the public are on the premises.~~
- ~~16. The number of persons accommodated at any one time (excluding staff) shall not exceed the following: Ground floor of Nos. 9 and 10 Kingly Street – 30. Basement of No. 9 Kingly Street and Nos. 12/15 Kingly Court – 120.~~
- ~~17. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.~~
- ~~18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.~~

Conditions 10 to 18 above (inclusive) are proposed to be removed.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

- ~~20. The supply of alcohol at the premises shall only be sold for consumption by members and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.~~
- ~~21. A list of the names and addresses of members shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.~~
- ~~22. After 23:00 hours, the supply of alcohol at the premises shall only be to a person seated at a table.~~

Conditions 20 to 21 (inclusive) above are proposed to be removed.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. All external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. 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.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close.
17. 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.
18. 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.
19. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
20. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
21. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

Conditions proposed by the applicant.

22. CCTV
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
23. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
24. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
26. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
27. There shall be no sales of alcohol for consumption off the premises after (23.00) hours.
28. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
29. 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.
30. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
31. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) hours on the following day.
32. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
33. 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.

34. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
35. No deliveries to the premises shall take place between (23.00) and (07.00) hours on the following day.
36. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (220) persons.
37. The variation will have no effect until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

9 Kingly Street, London W1B 5PH



Resident Count: 7

Licensed premises within 75 metres of 9 Kingly Street, London W1B 5PH				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/05147/LIPN	Shadow Licence	9 Kingly Street London W1B 5PH	Night clubs and discos	Saturday; 09:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Friday; 09:00 - 03:30
22/09921/LIPT	The Court	9 Kingly Street London W1B 5PH	Club or institution	Saturday; 09:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Friday; 09:00 - 03:30

22/06910/LIPDPS	Pizza Pilgrims	11 Kingly Street London W1B 5PL	Shop	Monday to Sunday; 08:00 - 00:30
15/00525/LIPN	Pizza Pilgrims Kiosk	11 Kingly Street London W1B 5PL	Shop	Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
19/09764/LIPCH	Shoryu	Ground Floor Unit 3-5 Kingly Court Kingly Court London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
21/10252/LIPDPS	Korean Dinner Party	Kingly Court Kingly Street London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
14/11127/LIPVM	Oka Restaurant Units 1.14 - 1.16	Kingly Court Kingly Street London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
15/11467/LIPDPS	Le Bab (Units 2.10 And 2.11)	Kingly Court Kingly Street London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
20/09859/LIPT	Imad's Syrian Kitchen Ltd	Second Floor Unit 14 Kingly Court Kingly Court London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30

22/10975/LIPVM	Unit 2.1-2.4 Kingly Court	Second Floor Units 1 And 2 Kingly Court Kingly Street London W1B 5PW	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
23/00218/LIPDPS	Marsha	Ground Floor Unit 2 And First Floor Units 4-6 Kingly Court Kingly Court London W1B 5PW	Restaurant	Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00
20/00137/LIPN	Units 1.7 And 1.8, First Floor	Kingly Court Kingly Street London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
23/00969/LIPT	Unit 2.5-2.9 Kingly Court	Second Floor Unit 9 Kingly Court Kingly Court London W1B 5PW	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
18/08932/LIPDPS	Senor Ceviche	First Floor Units 1-3 Kingly Court Kingly Court London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
14/06042/LIPDPS	Life Goddess	Former Unit 1.9 Kingly Court London	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30

19/14857/LIPT	The Good Egg	Unit G9 Kingly Court London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 New Year's Day; 00:00 - 00:00
22/11342/LIPDPS	Wright Brothers Soho	12 - 13 Kingly Street London	Restaurant	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 00:00
22/09532/LIPDPS	Cahoots Ticket Hall & Control Room	5 Kingly Street London W1B 5PF	Restaurant	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 01:10
22/09539/LIPDPS	Cahoots	Unit G 13 Kingly Court London W1B 5PW	Night clubs and discos	Sunday; 09:00 - 00:00 Monday to Wednesday; 09:00 - 03:00 Thursday to Saturday; 09:00 - 03:30
22/03201/LIPDPS	Rum Kitchen, First Floor, Units 1.12 And 1.13	First Floor 12 Kingly Court London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
22/00139/LIPT	Shampers Wine Bar	Ground Floor 4 Kingly Street London W1B 5PE	Wine bar	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/02115/LIPN	3 And 4 Kingly Street, London, W1B 5PD	4 Kingly Street London W1B 5PE	Not Recorded	Monday; 09:00 - 23:30 Tuesday; 09:00 - 23:30 Wednesday; 09:00 - 23:30 Thursday; 09:00 - 23:30 Friday; 09:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 22:30

22/10166/LIPDPS	Red Lion Public House	14 Kingly Street London W1B 5PR	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
20/06816/LIPRW	Not Recorded	49-51 Carnaby Street London W1F 9PY	Not Recorded	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30
21/13442/LIPVM	Fifty Carnaby	49-51 Carnaby Street London W1F 9PY	Night clubs and discos	Sunday; 08:00 - 00:00 Monday to Wednesday; 08:00 - 02:00 Thursday to Saturday; 08:00 - 03:00
21/14225/LIPDPS	Two Floors	Ground Floor 3 Kingly Street London W1B 5PD	Shop	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
20/04384/LIPVM	Jinjuu	Basement And Ground Floor 15 - 16 Kingly Street London W1B 5PT	Restaurant	Monday; 10:00 - 01:30 Tuesday; 10:00 - 01:30 Wednesday; 10:00 - 01:30 Thursday; 10:00 - 01:30 Friday; 10:00 - 01:30 Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
11/07877/LIPDPS	Open Space	Kingly Court London	Park / Open Space	Monday to Sunday; 00:00 - 00:00

19/12271/LIPCH	Rosas	23A Ganton Street London W1F 9BW	Cafe	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00 Christmas Eve; 12:00 - 00:00 Christmas Eve; 10:00 - 00:00
19/16795/LIPVM	Dehesa	17 Kingly Street London W1B 5PU	Restaurant	Monday; 10:00 - 00:00 Tuesday; 10:00 - 00:00 Wednesday; 10:00 - 00:00 Thursday; 10:00 - 00:00 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
17/09470/LIPV	Pastaio	19 Ganton Street London W1F 9BN	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
22/12065/LIPVM	Cirque Le Soir	Basement 15-21 Ganton Street London W1F 9BN	Night clubs and discos	Monday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Wednesday to Saturday; 00:00 - 00:00
18/07664/LIPDPS	Cirque Le Soir	Basement 15-21 Ganton Street London W1F 9BN	Night clubs and discos	Monday; 00:00 - 00:00 Wednesday to Saturday; 00:00 - 00:00

22/03210/LIPDPS	Disrepute	Basement And Ground Floor 4 Kingly Court London W1B 5PW	Night clubs and discos	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 03:30 Sundays before Bank Holidays; 09:00 - 01:30
22/10066/LIPT	Mamma Pastrama	13 Ganton Street London W1F 9BL	Cafe	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
06/06301/WCCMAP	Myung Ga Restaurant	15 Beak Street London W1F 9SX	Cafe	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/00964/LIPCHT	Kroketa	21 Beak Street London W1F 9RR	Cafe	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30
23/01912/LIPCH	Flat Iron	17 Beak Street London W1F 9RW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
22/11500/LIPDPS	Soho Grind	Basement And Ground Floor 19 Beak Street London W1F 9RP	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
19/15631/LIPDPS	Blue Posts Public House	18 Kingly Street London W1B 5PX	Public house or pub restaurant	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sundays before Bank Holidays; 08:00 - 00:00

14/03870/LIPT	Mother Mash	26 Ganton Street London W1F 7QZ	Public house or pub restaurant	Monday to Friday; 08:00 - 23:00 Saturday to Sunday; 10:00 - 23:00
21/05159/LIPDPS	Pix	Basement And Ground Floor 24 Ganton Street London W1F 7QY	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 12:00 - 23:30 Friday to Saturday; 12:00 - 00:00
22/01668/LIPDPS	The Ganton Arms	18 - 20 Ganton Street London W1F 7BX	Restaurant	Sunday; 12:00 - 00:00 Monday to Friday; 10:00 - 00:30
21/02690/LIPDPS	Flare	14 - 22 Ganton Street London W1F 7BS	Public house or pub restaurant	Sunday; 12:00 - 23:30 Sunday; 12:00 - 22:30 Monday to Wednesday; 09:00 - 00:00 Monday to Thursday; 10:00 - 23:30 Thursday to Saturday; 09:00 - 01:00 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
14/11059/LIPVM	Zebrano	14-22 Ganton Street London W1F 7QU	Pub or pub restaurant with lodge	Sunday; 12:00 - 00:00 Sunday; 12:00 - 22:30 Monday to Wednesday; 09:00 - 00:00 Monday to Thursday; 10:00 - 23:30 Thursday to Saturday; 09:00 - 01:00 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00

21/03716/LIPVM	Crispin	19 Kingly Street London W1B 5PY	Restaurant	Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
17/14852/LIPN	Sweaty Betty	1 - 2 Carnaby Street London W1F 9QG	Shop	Monday to Sunday; 08:00 - 20:00
12/00611/LIPV	Ain't Nothin' But	20 Kingly Street London W1B 5PZ	Wine bar	Sunday; 09:00 - 00:00 Monday to Thursday; 09:00 - 01:30 Friday to Saturday; 09:00 - 03:30 Sundays before Bank Holidays; 09:00 - 01:30
20/07653/LIPDPS	Aint Nothin But	20 Kingly Street London W1B 5PZ	Wine bar	Sunday; 09:00 - 00:00 Monday to Thursday; 09:00 - 01:30 Friday to Saturday; 09:00 - 03:30 Sundays before Bank Holidays; 09:00 - 01:30
21/03365/LIPDPS	Kolamba	21 Kingly Street London W1B 5QA	Restaurant	Sunday; 10:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30