



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

13 July 2023

23/02649/LIPN - New Premises Licence

King Henry VIII Hotel  
23 Leinster Gardens  
London

Director of Public Protection and Licensing

Lancaster Gate

City of Westminster Statement of Licensing Policy

None

Ms Emanuela Meloyan  
Senior Licensing Officer

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Email: [emeloyan@westminster.gov.uk](mailto:emeloyan@westminster.gov.uk)

## 1. Application

| 1-A Applicant and premises        |   |                                    |                |
|-----------------------------------|---|------------------------------------|----------------|
| <b>Application Type:</b>          | New Premises Licence, Licensing Act 2003  |                                    |                |
| <b>Application received date:</b> | 24 April 2023   |                                    |                |
| <b>Applicant:</b>                 | Ordersupply Limited   |                                    |                |
| <b>Premises:</b>                  | King Henry VIII Hotel   |                                    |                |
| <b>Premises address:</b>          | 23 Leinster Gardens<br>London<br>W2 3AN   | <b>Ward:</b>                       | Lancaster Gate |
|                                   |   | <b>Cumulative Impact Area:</b>     | None           |
|                                   |   | <b>Special Consideration Zone:</b> | None           |
| <b>Premises description:</b>      | According to the application the premises intends to operate as a Hotel lobby bar at ground and lower ground floor level, ancillary to the use of the premises as a hotel. The provision of licensable activities shall be to residents of the hotel and their bona fide guests only. |                                    |                |
| <b>Premises licence history:</b>  | This is a new premises licence application, and no premises history exists.   |                                    |                |
| <b>Applicant submissions:</b>     | In addition to the application form the applicant has proposed conditions to form part of the operating schedule that that appear at Appendix 4.  |                                    |                |
| <b>Applicant amendments:</b>      | None  |                                    |                |

| 1-B Proposed licensable activities and hours      |   |             |            |                                  |            |            |            |
|---|---|-------------|------------|----------------------------------|------------|------------|------------|
| <b>Late Night Refreshment:</b>                    |   |             |            | <b>Indoors, outdoors or both</b> |            |            | Indoors    |
| <b>Day:</b>                                       | <b>Mon</b>  | <b>Tues</b> | <b>Wed</b> | <b>Thur</b>                      | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
| <b>Start:</b>                                     | 23:00   | 23:00       | 23:00      | 23:00                            | 23:00      | 23:00      | N/A        |
| <b>End:</b>                                       | 23:30   | 23:30       | 23:30      | 23:30                            | 00:00      | 00:00      | N/A        |
| <b>Seasonal variations/ Non-standard timings:</b> | 00:00 on Sundays immediately before Bank Holiday Mondays.<br>From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.<br>00:00 – 00:00 for hotel residents and their bona fide guests by way of room service. |             |            |                                  |            |            |            |

|   |   |             |            |                                 |            |            |            |
|---|---|-------------|------------|---------------------------------|------------|------------|------------|
| <b>Sale by retail of alcohol</b>                  |   |             |            | <b>On or off sales or both:</b> |            |            | Both       |
| <b>Day:</b>                                       | <b>Mon</b>  | <b>Tues</b> | <b>Wed</b> | <b>Thur</b>                     | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
| <b>Start:</b>                                     | 09:00   | 09:00       | 09:00      | 09:00                           | 09:00      | 09:00      | 09:00      |
| <b>End:</b>                                       | 23:30   | 23:30       | 23:30      | 23:30                           | 00:00      | 00:00      | 22:30      |
| <b>Seasonal variations/ Non-standard timings:</b> | 00:00 on Sundays immediately before Bank Holiday Mondays.<br>From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.<br>00:00 – 00:00 for hotel residents and their bona fide guests by way of room service. |             |            |                                 |            |            |            |

| Hours premises are open to the public             |            |             |            |             |            |            |            |
|---|------------|-------------|------------|-------------|------------|------------|------------|
| <b>Day:</b>                                       | <b>Mon</b> | <b>Tues</b> | <b>Wed</b> | <b>Thur</b> | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
| <b>Start:</b>                                     | 00:00      | 00:00       | 00:00      | 00:00       | 00:00      | 00:00      | 00:00      |
| <b>End:</b>                                       | 00:00      | 00:00       | 00:00      | 00:00       | 00:00      | 00:00      | 00:00      |
| <b>Seasonal variations/ Non-standard timings:</b> | None       |             |            |             |            |            |            |

## 2. Representations

| 2-A Responsible Authorities   |                      |
|-------------------------------|----------------------|
| <b>Responsible Authority:</b> | Environmental Health |
| <b>Representative:</b>        | Maxwell Owusu Koduah |
| <b>Received:</b>              | 12 May 2023          |

I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.

Applicant is seeking the following licensable activities:

Provision of late-night refreshment Indoors at the following times

- Monday to Thursday 23:00 – 23:30 hours
- Friday to Saturday 23:00 – 00:00 hours
- Sunday immediately before BH 23:00 – 00:00 hours
- New Years' Eve to the start of permitted hours on New Years' Day

Supply of alcohol for consumption on & off the premises at the following times

- Monday to Thursday 09:00 – 23:30 hours
- Friday to Saturday 09:00 – 00:00 hours
- Sunday 09:00 – 22:30 hours
- Sunday immediately before BH 09:00 – 00:00 hours
- New Years' Eve to the start of permitted hours on New Years' Day

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

1. The hours requested to provide late-night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.
2. The supply of alcohol the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety

Please contact me if you are minded discussing any of the matters above.

|            |                      |
|------------|----------------------|
| <b>2-B</b> | <b>Other Persons</b> |
|------------|----------------------|

|              |            |
|--------------|------------|
| <b>Name:</b> | [REDACTED] |
|--------------|------------|

|  |            |
|--|------------|
| <b>Address and/or Residents Association:</b> | [REDACTED] |
|--|------------|

|                  |             |
|------------------|-------------|
| <b>Received:</b> | 15 May 2023 |
|------------------|-------------|

Dear Westminster City Council,

I am reaching out to express my opposition to licence application 23/02649/LIPN (23 Leinster Gardens). I am a resident living directly facing the Henry Hotel, and I strongly object to the proposed late-night bar opening.

Leinster Gardens has become increasingly noisy due to the presence of multiple hotels and sometimes unruly guests. The outside terrace of the Blakemore Hotel, located just 30 meters down the road, is a prime example. Adding another bar, with late-night music, will only increase the discomfort for families with young children trying to secure a peaceful sleep.

It is crucial that Leinster Gardens and the surrounding area remain appealing to residents and families as it's a local community. The street already has a bar and pub, and there is no need to attract even more noisy tourists from the surrounding areas. I therefore would like to oppose the projected changes.

|              |            |
|--------------|------------|
| <b>Name:</b> | [REDACTED] |
|--------------|------------|

|  |            |
|--|------------|
| <b>Address and/or Residents Association:</b> | [REDACTED] |
|--|------------|

|                  |             |
|------------------|-------------|
| <b>Received:</b> | 09 May 2023 |
|------------------|-------------|

Dear Westminster City Council,

I am writing to comment on licence application 23/02649/LIPN (23 Leinster Gardens). As a resident immediately facing the Henry Hotel, I am strongly opposed to the opening of this late-night bar.

Living on Leinster Gardens is becoming increasingly intolerable as there are more than 10 hotels in the immediate vicinity - many of which attract poorly behaved tourists. The outside terrace in front of the Blakemore Hotel just 30 metres down the road is a case in point: hotel guests often drunkenly sit on the terrace, shouting and singing well into the night. Adding another bar (with late night music) will compound the misery for families with young children trying to secure sound sleep.

On a related note, staff at The Henry have not demonstrated the civic behaviour that suggests the bar will be operated in strict compliance with rules. One employee routinely idles his motorbike engine for minutes at a time and then aggressively revs the engine as he races down the street. This happens every day.

Leinster Gardens and the immediate area must remain attractive to residents and families. The street already has a bar and pub, and need not attract even more noisy tourists from the surrounding area. Should the Council approve the application anyway, I would kindly request the hotel mandated to install effective sound isolation and is not allowed to host guests on the terrace.

|  |             |
|--|-------------|
| <b>Name:</b>   | [REDACTED]  |
| <b>Address and/or Residents Association:</b>   | [REDACTED]  |
| <b>Received:</b>   | 10 May 2023 |
| Dear Westminster City Council,   |             |
| <p>I am writing to comment on licence application 23/02649/LIPN (23 Leinster Gardens). As a resident immediately facing the Henry Hotel, I am strongly opposed to the opening of this late-night bar.</p> <p>Living on Leinster Gardens is becoming increasingly intolerable as there are more than 10 hotels in the immediate vicinity - many of which attract poorly behaved tourists. The outside terrace in front of the Blakemore Hotel just 30 metres down the road is a case in point: hotel guests often drunkenly sit on the terrace, shouting and singing well into the night. Adding another bar (with late night music) will compound the misery for families with young children trying to secure sound sleep.</p> <p>Leinster Gardens and the immediate area must remain attractive to residents and families. The street already has a bar and pub, and need not attract even more noisy tourists from the surrounding area. Should the Council approve the application anyway, I would kindly request the hotel is mandated to install effective sound isolation and is not allowed to host guests on the terrace.</p> |             |
| <b>Name:</b>   | [REDACTED]  |
| <b>Address and/or Residents Association:</b>   | [REDACTED]  |
| <b>Received:</b>   | 11 May 2023 |
| <p>I am writing to object to the above application for Premise license to Henry VIII hotel on Leinster Gardens.</p> <p>I live in Flat 2, 22 Leuster gardens and having an outside sitting area will create tremendous disturbance on the street. There is enough disturbance already coming from hotels on this street and behaved loud tourist.</p> <p>I object strongly to this application.</p>   |             |
| <b>Name:</b>   | [REDACTED]  |
| <b>Address and/or Residents Association:</b>   | [REDACTED]  |
| <b>Received:</b>   | 08 May 2023 |
| <p>I am concerned this will create serious noise pollution for our building. Drunken tourists sat outside the Blakemore Hotel which is 100 meter away from this hotel regularly keep my kids up at night and I imagine this, located much more closely opposite to our building, will be worse</p>   |             |
| <b>Name:</b>   | [REDACTED]  |
| <b>Address and/or Residents Association:</b>   | [REDACTED]  |
| <b>Received:</b>   | 22 May 2023 |
| Dear Sirs  |             |

I am writing on behalf of the South East Bayswater Residents' Association (SEBRA) to make a relevant representation objecting to this licence application on the basis of the likely impact on the licensing objective of 'prevention of public nuisance'.

### Introduction

SEBRA was formed in 1970 and works to protect the special character of our area. A non-profit, non party-political, voluntary organisation, we represent more than 1,000 people. SEBRA is consulted by Westminster Council on both major developments and all Council activities which affect the daily lives of residents.

As a recognised amenity society we often engage in consultations with licence applicants both before and during the application process and note with some disappointment that we have not been contacted by the applicant in this case.

### Background

The premises are situated in a predominantly residential area with some hotels and adjacent Leinster Terrace has a small parade of shops & restaurant/ cafes and the Leinster Arms, all with residential units above.

### SEBRA's position

The application is described as:

*'Hotel lobby bar at ground and lower ground floor level, ancillary to the use of the premises as a hotel. The provision of licensable activities shall be to residents of the hotel and their bona fide guests only.'*

The application is for core hours for the ground and lower ground, and 24/7 for room service to bedrooms for residents and their guests.

The plans show a large external area within the red line for licensable activities.

The licensable activities shall be to residents of the hotel and their bona fide guests only.'

SEBRA is concerned that this application appears to be for a restaurant and a hotel as 'off sales' have been requested and Late Night Refreshment.

We ask that 'off sales' and late night refreshment will only be for residents of hotel and their bona fida guests only for room service. We do not see why other types of off sale should be permitted.

Condition No 20 would seem to allow a delivery service - possible also take aways - (with alcohol) between 0700 to 2300 - why do they want this condition? SEBRA would want no deliveries to others at all, as the primary use of premises is a large established hotel. We have concerns on noise and congregating of drivers outside premises.

G4. The Licensing Authority is concerned with the growing levels of residential complaints and issues associated with public nuisance that is either generated at or in the general vicinity of the licensed premises where deliveries are collected or at the end destination where the delivery is made. Complaints often relate to noise from delivery personnel waiting around the licensed premises or from their delivery vehicles. Applicants must consider the potential impact of noise nuisance from delivery personnel and their vehicles at the licensed premises or at the

end destination. Appropriate waiting areas inside the licensed premises must be provided to prevent delivery personnel congregating outside the venue.

The criteria and considerations set out in DEL1 simply have not been addressed – for instance are the delivery drivers to be 3<sup>rd</sup> parties? If so, the policy is much stricter on what hours may be granted.

On conditions Nos 12 & 19 we would want hours to be 20.00 to 08.00.

One of our main concerns is the use of the very large external front terrace in front of the hotel, which faces over to residential premises and a large block of flats diagonally opposite in Craven Hill Gardens.

SEBRA is concerned on potential noise and disturbance from the premises, particularly from the large terrace and believe use of terrace should be limited to say, no later than 22.00.

There is no indication of how many bona fide guests per hotel resident.

Conclusion

We are aware of course that applications can be amended, and as ever, SEBRA is always very happy and indeed ask for our contact details, including mobile number, to be passed to the applicant/their solicitors, and to discuss the operation and application with them.

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

|  |            |
|--|------------|
| <b>Name:</b>                                 | [REDACTED] |
| <b>Address and/or Residents Association:</b> | [REDACTED] |

|                  |             |
|------------------|-------------|
| <b>Received:</b> | 22 May 2023 |
|------------------|-------------|

Hi team,  
Please could you note my support for SEBRA's objections. Agree on all counts.  
Kind regards.

|  |            |
|--|------------|
| <b>Name:</b>                                 | [REDACTED] |
| <b>Address and/or Residents Association:</b> | [REDACTED] |

|                  |             |
|------------------|-------------|
| <b>Received:</b> | 22 May 2023 |
|------------------|-------------|

Licensing Team,  
I would like to echo Cllr Ormsby's views on this. Key points are on restricting delivery, restriction on terrace use (due to the noise pollution impact) and the point on the off sales.  
Kind regards.

### 3. Policy & Guidance

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

#### **Policy HRS1 applies**

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and 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



|                                   |   |
|-----------------------------------|---|
|                                   | <p>15. justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>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>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</p> <ul style="list-style-type: none"> <li>- Monday to Thursday: 9am to 11.30pm.</li> <li>- Friday and Saturday: 9am to Midnight.</li> <li>- Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</li> </ul> <p>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</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><b>Policy HOT1 applies</b></p> | <p>Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel.</li> <li>5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</li> <li>6. The application and operation of the venue meeting the definition of a Hotel as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1,</li> </ol>   |

|  |   |
|--|---|
|  | <p>PS1, PN1 and CH1.</p> <ol style="list-style-type: none"> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>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.</li> <li>4. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel.</li> <li>5. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>6. The application and operation of the venue meeting the definition of a Hotel as per Clause C.</li> </ol> <p>C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.</p> |
|--|---|

#### 4. Equality Implications

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

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

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

## 5. Appendices

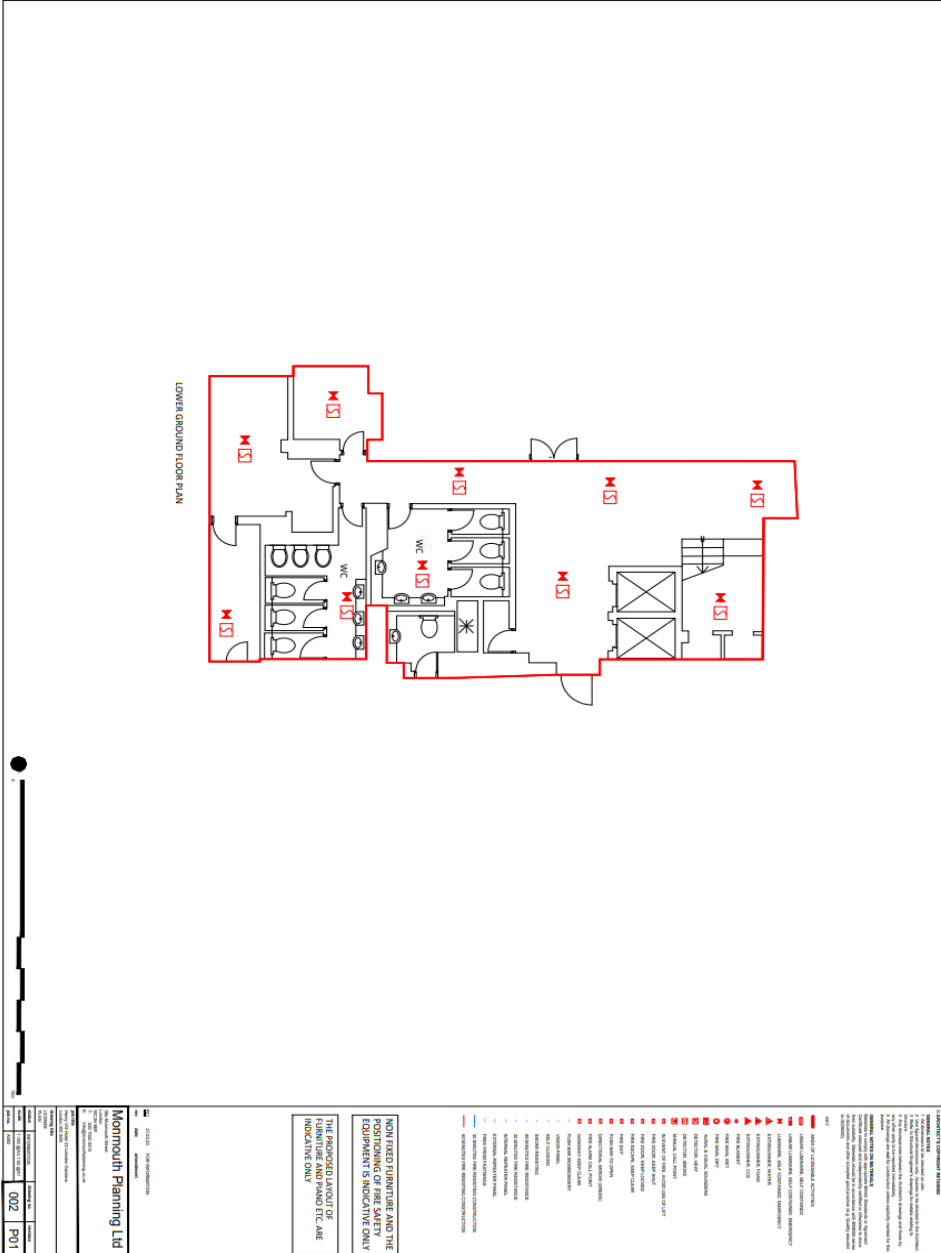
|                   |  |
|-------------------|--|
| <b>Appendix 1</b> | Premises plans                                       |
| <b>Appendix 2</b> | Applicant supporting documents                       |
| <b>Appendix 3</b> | Premises history                                     |
| <b>Appendix 4</b> | Proposed conditions                                  |
| <b>Appendix 5</b> | Residential map and list of premises in the vicinity |

|                       |  |
|-----------------------|--|
| <b>Report author:</b> | Ms Emanuela Meloyan<br>Senior Licensing Officer                |
| <b>Contact:</b>       | Telephone: 0207 641 6500<br>Email: emeloyan@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**

|           |   |               |
|-----------|---|---------------|
| <b>1</b>  | Licensing Act 2003  | N/A           |
| <b>2</b>  | City of Westminster Statement of Licensing Policy                   | October 2021  |
| <b>3</b>  | Amended Guidance issued under section 182 of the Licensing Act 2003 | December 2022 |
| <b>4</b>  | Environmental Health representation                                 | 12 May 2023   |
| <b>5</b>  | Interested Party representation (1)                                 | 15 May 2023   |
| <b>6</b>  | Interested Party representation (2)                                 | 09 May 2023   |
| <b>7</b>  | Interested Party representation (3)                                 | 10 May 2023   |
| <b>8</b>  | Interested Party representation (4)                                 | 11 May 2023   |
| <b>9</b>  | Interested Party representation (5)                                 | 08 May 2023   |
| <b>10</b> | Interested Party representation (6)                                 | 22 May 2023   |





**Applicant Supporting Documents**

**Appendix 2**

None

## **Premises History**

## **Appendix 3**

There is no licence or appeal history for the premises.

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

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

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

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

**Mandatory Conditions**

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



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

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

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

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -  
$$P = D + (D \times V)$$
  
Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **Conditions consistent with the operating schedule proposed by the applicant**

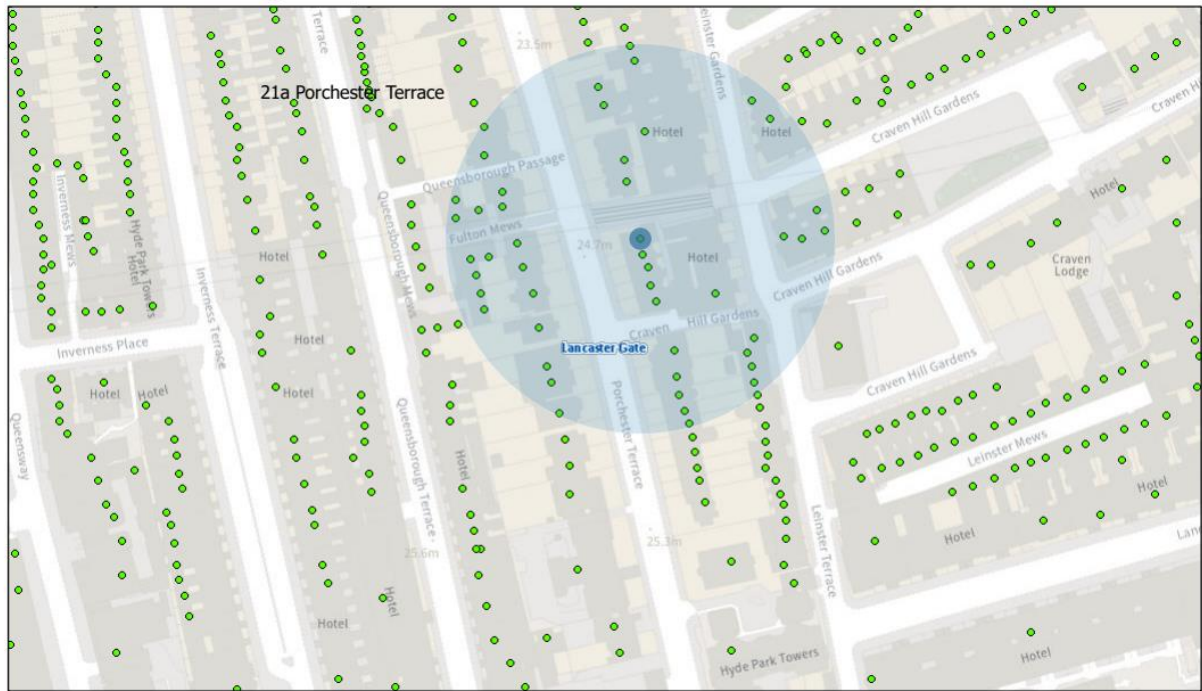
- 9. Licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
- 10. The provision of licensable activities shall be to residents of the hotel and their bona fide guests only.
- 11. The external terrace shall not be used for licensable activities between 23.00 and 09.00 hours.

12. In the external terrace, alcohol shall only be served to patrons seated at tables.
13. 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.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
15. 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.
16. Save for alcohol provided to hotel residents and their bona fide guests in their bedrooms, there shall be no sales of alcohol for consumption off the premises after 23.00 hours.
17. Save for alcohol provided to hotel residents and their bona fide guests in their bedrooms, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. 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 save for where the Westminster City Council collection times are different.
21. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
22. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

23. 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 save for where the Westminster City Council collection times are different.
24. A 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.
25. 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.
26. 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
27. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
28. No deliveries from the premises, either by the licensee or a third party, shall take place between 23:00 and 07:00 hours on the following day.
29. 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.
30. 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.
31. 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
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. Where there have been minor changes to layout updated plans shall be provided to the Licensing Authority.

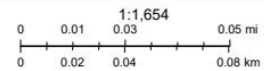
34. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

**King Henry VIII Hotel, 23 Leinster Gardens, London, W2 3AN**



05/07/2023, 14:10:21

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



**Resident Count:144**

| Licensed premises within 75m of King Henry VIII Hotel, 23 Leinster Gardens, London, W2 3AN |                               |  |               |  |
|--|-------------------------------|--|---------------|--|
| Licence Number   | Trading Name                  | Address                                      | Premises Type | Time Period  |
| 22/05750/LIPDPS  | Blakemore Hotel               | 25 - 31 Leinster Gardens<br>London<br>W2 3AN | Hotel         | Monday to Saturday – 10:00 – 01:30; Sunday – 12:00 – 01:00 |
| 21/14639/LIPN  | Victoria Exchange Food & Wine | 30-31 Leinster Terrace<br>London<br>W2 3ET   | Shop          | Monday to Saturday – 08:00 – 23:00; Sunday – 10:00 – 23:30 |