



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 7th July, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64
Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Melvyn Caplan (Chairman)
Peter Freeman
Rita Begum



**Members of the public are welcome to attend the meeting
and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the
ground floor reception at City Hall from 9.00am. If you have
a disability and require any special assistance please
contact the Committee Officer (details listed below) in
advance of the meeting.**



**An Induction loop operates to enhance sound for anyone
wearing a hearing aid or using a transmitter. If you require
any further information, please contact the Committee
Officer, Jonathan Deacon.**

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. ISOLATED PITCH F3026(A), 9-9A GERRARD STREET, W1

(Pages 1 - 16)

| App No | Ward | Site Name and Address | Application | Licensing Reference Number |
|--------|-----------------|--|---|----------------------------|
| 1. | St James's Ward | Isolated Pitch F3026(a), 9-9A Gerrard Street, W1 | Street Trading - Designation of new isolated street trading pitch | 16/02334/LIPRS |

2. PITCH 1771, MARYLEBONE ROAD, NW1

(Pages 17 - 46)

| App No | Ward | Site Name and Address | Application | Licensing Reference Number |
|--------|--------------------|----------------------------------|---|----------------------------|
| 2. | Regent's Park Ward | Pitch 1771, Marylebone Road, NW1 | Street Trading - Vary designation of Pitch 1771 | 16/04480/LIIS |

**3. WHYTE & BROWN LIMITED, UNITS G2, 1.4, 1.5 & 1.6,
GROUND FLOOR UNIT G2, KINGLY COURT, W1**

(Pages 47 - 66)

| App No | Ward/ Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|--|-------------|----------------------------------|
| 3. | West End / West End Cumulative Impact Area | Whyte & Brown Limited, Units G2, 1.4, 1.5 & 1.6, Ground Floor Unit G2, Kingly Court, W1 | Variation | 16/03381/LIPV |

4. AVIVA, 10-11 GREAT NEWPORT STREET, WC2

**(Pages 67 -
128)**

| App No | Ward/ Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|---|-------------|----------------------------------|
| 4. | St James's / West End Cumulative Impact Area | Aviva, 10- 11 Great Newport Street, WC2 | New | 16/04563/LIPN |

5. SMACK SOHO, KEMBLE HOUSE, 58 DEAN STREET, W1

**(Pages 129 -
146)**

| App No | Ward/ Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|---|-------------|----------------------------------|
| 5. | West End / West End Cumulative Impact Area | Smack Soho, Kemble House, 58 Dean Street, W1 | New | 16/03523/LIPN |

Charlie Parker
Chief Executive
1 July 2016

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.