



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 29th September, 2016**

Time: **10.00 am**

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

Members: **Councillors:**

Nickie Aiken (Chairman)
Jan Prendergast
Aziz Toki

**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. FRITH STREET HOTEL, 56-57 FRITH STREET, W1

(Pages 1 - 20)

| App No | Ward/ Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|--|-------------|----------------------------------|
| 1. | West End Ward / West End Cumulative Impact Area | Frith Street Hotel, 56- 57 Frith Street, W1 | New | 16/07867/LIPN |

2. THE LOCKHART, GROUND FLOOR, 24 SEYMOUR PLACE, W1

(Pages 21 - 40)

| App No | Ward/ Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|---|-------------|----------------------------------|
| 2. | Bryanston and Dorset Ward / Edgware Road Cumulative Impact Area | The Lockhart, Ground Floor, 24 Seymour Place, W1 | Variation | 16/08105/LIPV |

3. ADULT WORLD, 5 WALKER'S COURT, W1

(Pages 41 - 50)

| App No | Ward | Site Name and Address | Application | Licensing Reference Number |
|--------|------------------|--|---|----------------------------------|
| 3. | West End Ward | Adult World, 5 Walker's Court, W1 | Vary an existing sex establishe nt licence | 16/05142/LISE XV |

**Charlie Parker
Chief Executive
23 September 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.

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| Item No: | |
| Date: | 29 September 2016 |
| Licensing Ref No: | 16/07867/LIPN - New Premises Licence |
| Title of Report: | Frith Street Hotel 56-57 Frith Street London W1D 3JG |
| 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: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|----------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 27 July 2016 | | |
| Applicant: | Soho Bau Ltd | | |
| Premises: | Frith Street Hotel | | |
| Premises address: | 56-57 Frith Street London W1D 3JG | Ward: | West End |
| | | Cumulative Impact Area: | West End |
| Premises description: | The premises is a proposed hotel with bar facilities. | | |
| Premises licence history: | This is an application for a new Premises Licence and so no history exists. | | |
| Applicant submissions: | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|---|------------|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | | <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holiday 12:00 – 23:00</p> <p>Residents and their bona fide guests 00:00 – 24:00</p> | | | | | |

| Hours premises are open to the public | | | | | | | |
|---|------------|---|------------|-------------|------------|------------|------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 23:30 | 23:30 | 23:00 |
| Seasonal variations/ Non-standard timings: | | <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holiday 12:00 – 23:30</p> <p>Residents and their bona fide guests 00:00 – 24:00</p> | | | | | |

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| Adult Entertainment: | Not applicable. |
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2. Representations

| 2-A Responsible Authorities | |
|-------------------------------|--|
| Responsible Authority: | Environmental Health Consultation Team |
| Representative: | Mr Anil Drayan |
| Received: | 15 th August 2016 |

I wish to make the following representations based on the plans submitted and the supporting operating schedule:

1. The hours requested for and the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the West End Cumulative Impact Area
2. The hours requested for Late Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

Environmental Health also makes the following comments:

- Some conditions and undertakings have been offered in the operating schedule and these are under consideration. However it is noted that the terms offered for the provision of alcohol may not be consistent with Westminster's Statement of Licensing policy in the West End Cumulative Impact Area eg how entrance to bar for the public is controlled, how many 'bona fide' guests permitted per resident etc.
- It is not clear from the application if the premises have already undergone refurbishment for the proposed use. The premises will in any case need to be inspected for Public Safety prior to public use and it is noted that the 'works' condition has been offered in the application.
- The provision of sanitary accommodation for any proposed capacity must be in line with British Standard 6465 in order to help with preventing an increase in Public Nuisance in the West End Cumulative Impact Area

The premises will also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or the operation of any plant and machinery. Also further clarification is sought on the use of any external area particularly on its hours of use.

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| Responsible Authority: | Metropolitan Police Service |
| Representative: | Mr Bryan Lewis |
| Received: | 17 th August 2016 |

We are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

| | | | |
|--|------------------------------|-------------------------------|---------|
| 2-B Other Persons | | | |
| Name: | Diana Matheou | | |
| Address and/or Residents Association: | 55 Frith Street | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 16 th August 2016 | | |

I'm a resident 55, Frith Street living on the corner of Bateman Street. The work on this new hotel has been going on since June 2014 directly below my window and those of my neighbours. The build surrounds the Dog and Duck pub where there are also residents as there are to its left in Frith Street.

Apart from a letter informing us of road closures there has been absolutely no consideration for us during this lengthy development. We have all had to suffer every aspect of dismantling and construction in our tiny stressed streets not to mention the huge amount of polluting dust.

Soho Bau Ltd made no representation or compensatory communication during any of this time. This is a community and one which Westminster deems valuable and unique not least because its character creates huge amounts of money.

Of course a new hotel needs a license but doubtless there 'll be a function room and/or a bar which will likely be open to the public and extended hours asked for which willy-nilly Westminster appears to grant without restriction.

We live in a West End Cumulative Impact Area (WECIA) - the lack of care and consideration so far for its residential and business neighbours shows Soho Bau Ltd to be an unwelcome member of our community.

We need to embrace the whole , not blinkered and blind think only of singular interest. Soho will lose in the end.

3. Policy & Guidance

| | |
|--|---|
| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy HOT1 applies: | <p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p> |
| Policy HRS1 applies: | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> |
| Policy CIA1 applies: | <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p> |

4. Appendices

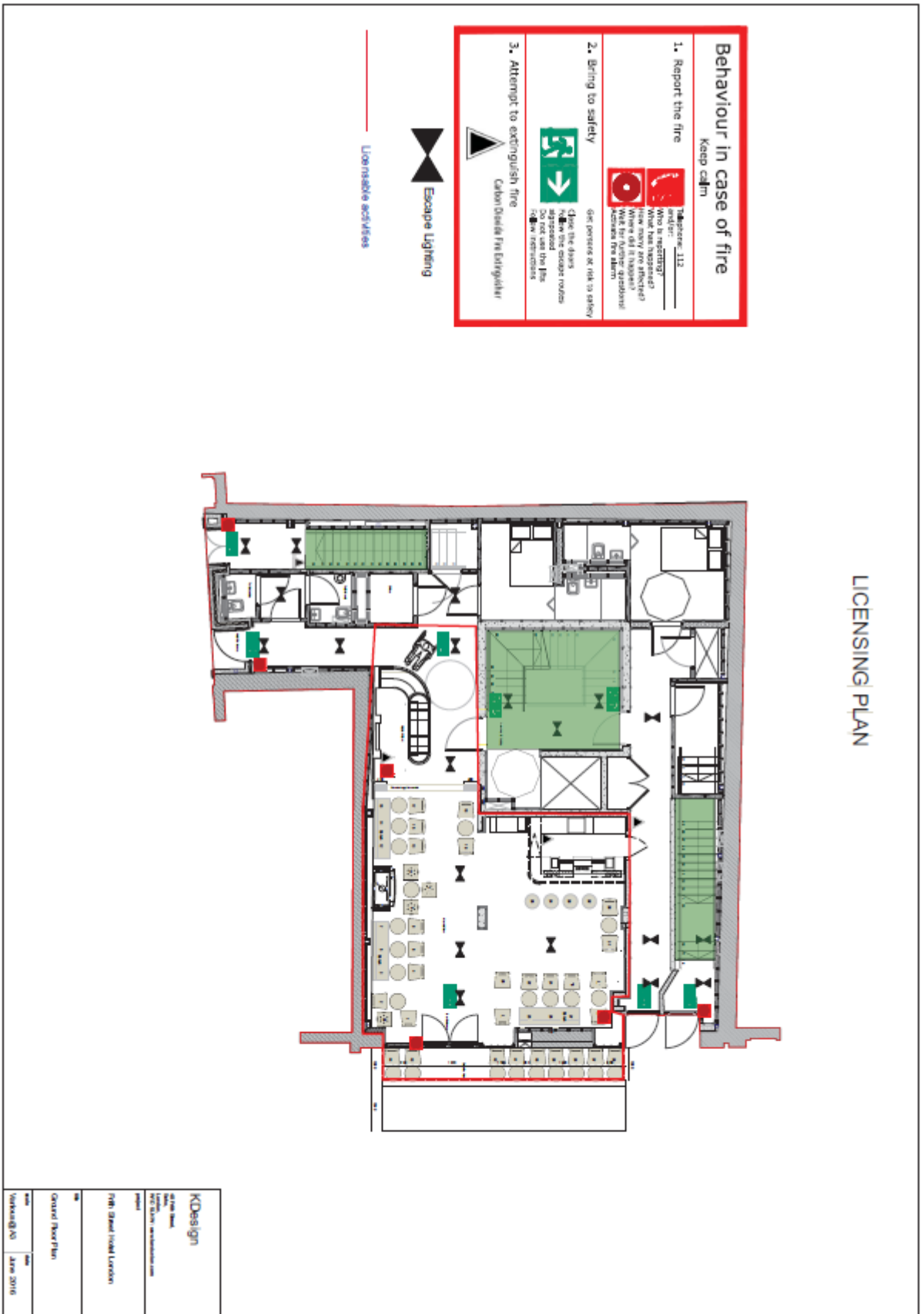
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|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

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|-----------------------|---|
| Report author: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact: | Telephone: 020 7641 2751 Email: hlawrance@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 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |
| 4 | Application Form | 27 th July 2016 |
| 5 | Representation – Environmental Health | 15 th August 2016 |
| 6 | Representation – Diana Matheou | 17 th August 2016 |
| 7 | Representation – Metropolitan Police | 17 th August 2016 |



Applicant Supporting Documents

Appendix 2

None submitted

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

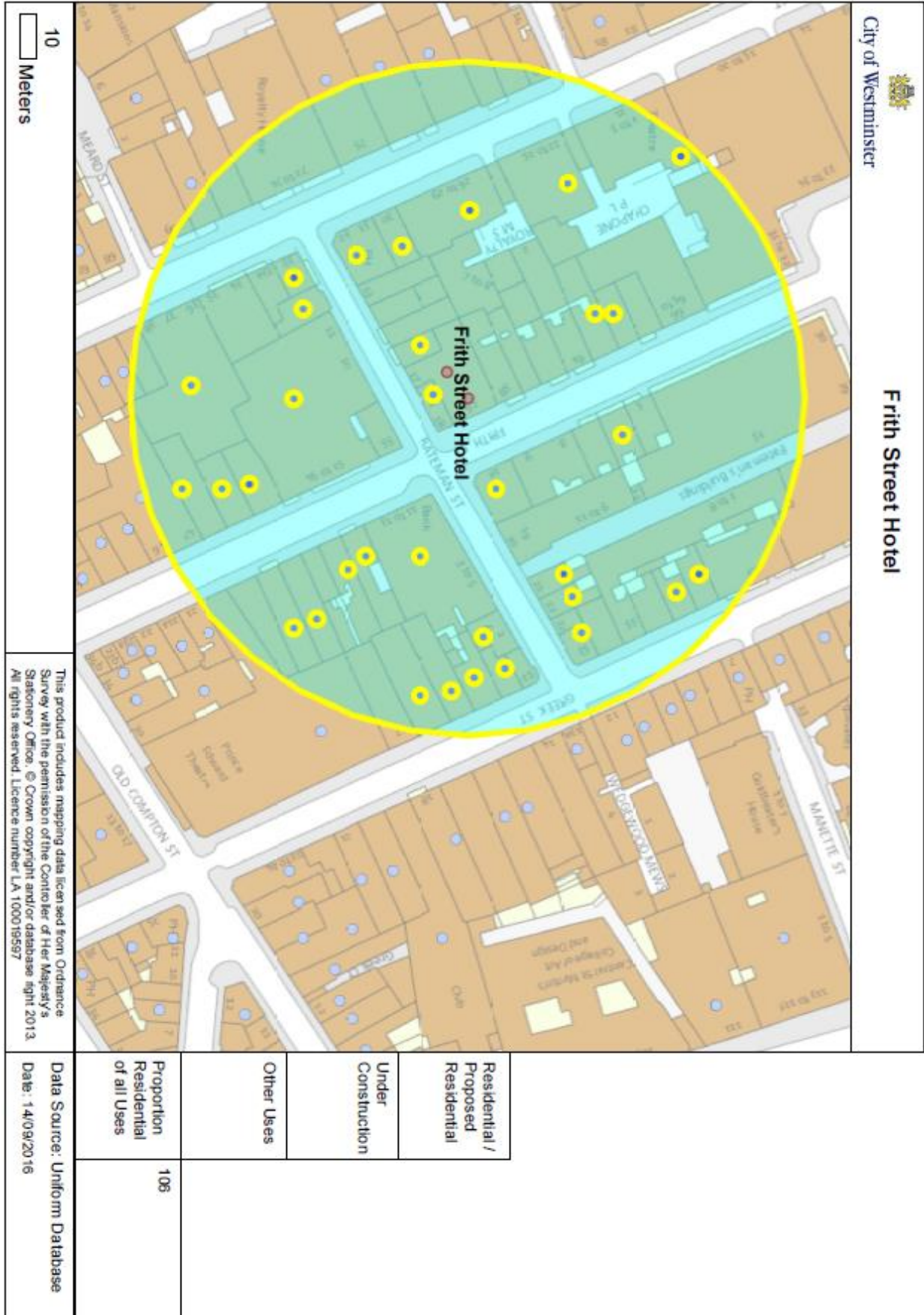
9. With the exception of any external areas marked on the plan, all sales of alcohol for consumption off the premises shall be in sealed containers only.

10. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
11. 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
12. There shall be no sales of hot food or hot drink after 23.00 save to residents and their bona fide guests.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the 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. 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.
16. 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
 - (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.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
19. The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons.
20. No licensable activities shall take place at the premises until the premises has 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.

Conditions proposed by the Environmental Health

21. Alcohol for consumption on the premises may only be to persons who are seated and who are:
 - a) Hotel residents and their bona fide guests with a maximum of 4 guests per adult resident at any time;
 - b) Members of the public who shall vacate the premises by 23:00 hours.
22. Off sales of alcohol are restricted to hotel residents and their bona fide guests
23. A waiter station shall be provided adjacent to the Frith Street entrance which shall be manned whilst the bar is open to the general public.
24. There shall be no external advertising of the ground floor bar that is visible from the street and the hours of use for the public shall be clearly displayed within the bar.
25. After 23:00 hours all windows and doors along Frith Street shall remain closed except for immediate access and egress in an emergency.
26. Tables and chairs in the external area shall be rendered unusable after 23:00 hours.
27. A Challenge 21 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
28. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance
29. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
30. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.
31. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
32. The number of persons permitted in the premises at any one time (including staff) shall not exceed 40.

Residential Map and List of Premises in the Vicinity



Premises within 75 metres of Frith Street Hotel, 56-57 Frith Street, W1D 3JG

| p/n | Name of Premises | Premises Address | Licensed Hours |
|------------|-------------------------|---|--|
| 373 | Burger & Lobster | 36 - 38 Dean Street London W1D 3TE | Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00 |
| 649 | L'Escargot | 48 Greek Street London W1D 4EF | Monday to Sunday 10:00 - 01:00 |
| 11231 | Pix | 16 Bateman Street London W1D 3AH | Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 New Year's Eve 12:00 - 00:00 Sunday 12:00 - 22:30 |
| 11535 | Oliver Maki 9 | 33 Dean Street London W1D 4PW | Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30 |
| -26068 | Hazlitts Hotel | 6 Frith Street London W1D 3JA | Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00 |
| -22002 | Simmons | 2 Bateman Street London W1D 4AE | Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30 |
| -16185 | Dog & Duck Public House | 18 Bateman Street London W1D 3AJ | Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30 |
| -15043 | Trattoria Da Aldo | Basement And Ground Floor 51 Greek Street London W1D 4EH | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| -12482 | Nando's | Ground Floor 10 Frith Street London W1D 3JF | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| -5744 | 21 Bateman Street | Ground Floor 21 Bateman Street London W1D 3AL | Sunday to Thursday 12:00 - 00:00 Friday to Saturday 12:00 - 03:00 |
| -4568 | Union Club | 50 Greek Street London W1D 4EQ | Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00 |
| -4033 | Leonis Quo Vadis | 26 Dean Street London W1D 3LL | Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30 |

| | | | |
|-------|-----------------------------|--|--|
| 159 | La Capannina Club | Basement 21 Bateman Street London W1D 3AL | Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30 |
| 659 | Ceviche | Basement And Ground Floor 17 Frith Street London W1D 4RG | Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00 |
| 9072 | Gourmet Burger Kitchen | 15 Frith Street London W1D 4RE | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| 9417 | Soho Theatre Company | First Floor To Second Floor 21 Dean Street London W1D 3NE | Monday to Saturday 09:00 - 00:00 Sunday 12:00 - 23:30 Bank Holiday 14:00 - 23:30 |
| 10433 | Hoppers | 49 Frith Street London W1D 4SG | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30 |
| 12667 | Balls & Company | Basement And Ground Floor 58 Greek Street London W1D 3DY | Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30 |
| 15097 | Club 49 | Basement And Ground Floor 49 Greek Street London W1D 4EG | Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00 |
| 17867 | The Crown & Two Chairmen | 31-32 Dean Street London W1D 3SB | Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30 |
| 24241 | The Arts Theatre Club | Ground Floor West 50 Frith Street London W1D 4SQ | Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00 |
| 26740 | Top Dog Eats | Basement And Ground Floor 48 Frith Street London W1D 4SF | Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30 |
| 27258 | Chotto-Matte | 11-13 Frith Street London W1D 4RB | Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30 |
| 27538 | Karaoke Box | Ground Floor 18 Frith Street London W1D 4RQ | Monday to Wednesday 09:00 - 02:00 Thursday to Saturday 09:00 - 05:00 Sunday 09:00 - 23:00 |
| 30315 | Leonis Quo Vadis | 26 Dean Street London W1D 3LL | Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30 |

| | | | |
|--------|--------------------|---|--|
| -29737 | New Evaristo Club | Ground Floor 57 Greek Street London W1D 3DX | Monday to Saturday 11:00 - 01:30 Sunday 12:00 - 01:30 |
| -11654 | Gopal's Of Soho | Basement And Ground Floor 12 Bateman Street London W1D 4AH | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| -2967 | Soho Joe | Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY | Monday to Saturday 07:00 - 01:00 Sunday 09:00 - 00:00 |
| 2699 | Arbutus Restaurant | 63 - 64 Frith Street London W1D 4RF | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| 8337 | Garlic & Shots | Basement And Ground Floor 14 Frith Street London W1D 4RD | Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30 |
| 11325 | The Golden Oven | Ground Floor 22 Bateman Street London W1D 3AN | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| 13972 | Koya Bar | Ground Floor 50 Frith Street London W1D 4SQ | Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30 |
| 15883 | Circa | Ground Floor 62 Frith Street London W1D 3JN | Monday to Sunday 11:00 - 01:00 |
| 20190 | Kaslik | Basement And Ground Floor 58 Greek Street London W1D 3DY | Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30 |
| 21140 | Sunset Strip | Basement To First Floor 30 Dean Street London W1D 3SA | Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:30 |
| 24673 | Cookhouse Joe | 33 Dean Street London W1D 4PW | Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30 |
| 26402 | Soho Theatre | Basement And Ground Floor 21 Dean Street London W1D 3NE | Monday to Saturday 10:00 - 02:30 Sunday 12:00 - 01:00 |
| 27681 | Barrafina | 54 Frith Street London W1D 4SL | Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00 |

| | | | |
|-------|--------|---|--|
| 29342 | Thirst | 23 - 24 Bateman Street London W1D 3AH | Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00 |
|-------|--------|---|--|

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

| | |
|--------------------|---|
| Item No: | |
| Date: | 29 September 2016 |
| Licensing Ref No: | 16/08105/LIPV - Premises Licence Variation |
| Title of Report: | The Lockhart Ground Floor 24 Seymour Place London |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Bryanston And Dorset Square |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|-----------------------------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 1 August 2016 | | |
| Applicant: | Gate Hammersmith Limited | | |
| Premises: | The Lockhart | | |
| Premises address: | Ground Floor 24 Seymour Place London W1H 7NL | Ward: | Bryanston and Dorset Square |
| | | Cumulative Impact Area: | Edgware |
| Premises description: | The premise is currently operating as a southern American style restaurant and bar. | | |
| Variation description: | <p>The application is to vary the layout of the premises as shown on the plans (see Appendix 1) for general refurbishment including:</p> <p>Ground Floor: Inclusion of outside area at the front, introduction of fixed seating and service bar, kitchen door relocated and staircase reconfigured.</p> <p>Basement: Installation of cold room and reduction of footprint of dining area.</p> <p>The applicant has also applied to remove condition 19 from the premises licence; <i>The number of persons accommodated at the premises shall be: Ground Floor - 30 persons excluding staff. Basement - 40 person excluding staff and;</i></p> <p>To vary the opening hours to allow the premises to open at 08:00 Monday to Saturday and 09:00 on Sunday.</p> | | |
| Premises licence history: | The premises has been licensed since April 2007 | | |
| Applicant submissions: | | | |

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

Hours premises are open to the public

| | Current Hours | | Proposed Hours | | Premises Area | |
|---|--|-------|----------------|-------|--|----------------------------|
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 23:30 | 08:00 | 23:30 | Ground Floor and Basement. | Ground Floor and Basement. |
| Tuesday | 10:00 | 23:30 | 08:00 | 23:30 | | |
| Wednesday | 10:00 | 23:30 | 08:00 | 23:30 | | |
| Thursday | 10:00 | 23:30 | 08:00 | 23:30 | | |
| Friday | 10:00 | 00:00 | 08:00 | 00:00 | | |
| Saturday | 10:00 | 00:00 | 08:00 | 00:00 | | |
| Sunday | 12:00 | 22:30 | 09:00 | 22:30 | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | Sundays before Bank Holidays : 12:00 until 00:00 | | | | Sundays before Bank Holidays : 09:00 until 00:00 | |

1-C Layout alteration

The application is to vary the layout of the premises as shown on the plans (see Appendix 1) for general refurbishment including:

Ground Floor: Inclusion of outside area at the front, introduction of fixed seating and service bar, kitchen door relocated and staircase reconfigured.

Basement: Installation of cold room and reduction of footprint of dining area.

1-D Conditions being varied, added or removed

| Condition | Proposed variation |
|---|---------------------------|
| 19. The number of persons accommodated at the premises shall be Ground Floor – 30 persons excluding staff Basement – 40 persons excluding Staff | To be removed |
| Adult entertainment: | Current position: |
| | None |
| | Proposed position: |
| | None |

2. Representations

| 2-A Responsible Authorities | |
|--|--|
| Responsible Authority: | Environmental Health Consultation Team |
| Representative: | Ayesha Bolton |
| Received: | 25 th August 2016 |
| <p>I wish to make the following representation.</p> <ol style="list-style-type: none"> 1. The change of layout and addition of the external area to the licenced area will have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area. 2. The removal of condition 19 as requested may impact on Public Safety within the area. 3. No representation. <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p> | |

| 2-B Other Persons | | | |
|---|---|-------------------------------|---------|
| Name: | Ms Tracy Williams | | |
| Address and/or Residents Association: | 55 Upper Berkeley Street London W1H 7PP | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 10 th August 2016 | | |
| <p>Noise and disturbance from people drinking alcohol is problematic in this area as the Portman pub and the Carpenter's Arms have many customers spilling into the streets late at night. This application will further add to the noise pollution which already makes it difficult for my family including my school age child to sleep at night. The noise from unregulated musical rickshaws adds to this. For the reasons outlined here I'd like to lodge an objection to the Gate's request for a late licence.</p> | | | |

3. Policy & Guidance

| | |
|--|---|
| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy PB2 applies: | It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1. |
| Policy HRS1 applies: | <p>i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> |
| Policy RNT2 applies: | Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas. |

4. Appendices

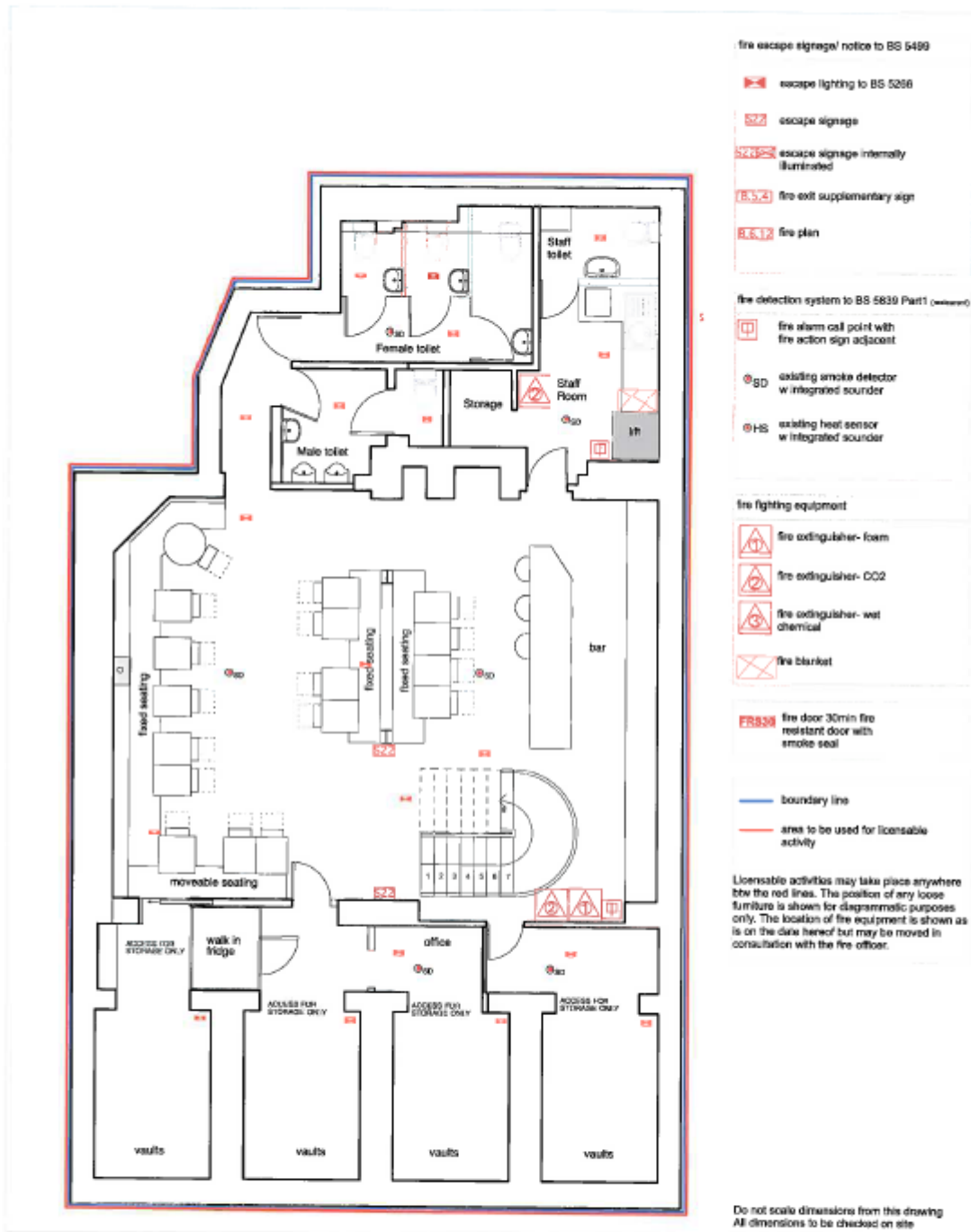
| | |
|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact: | Telephone: 020 7641 2751 Email: hlawrance@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.

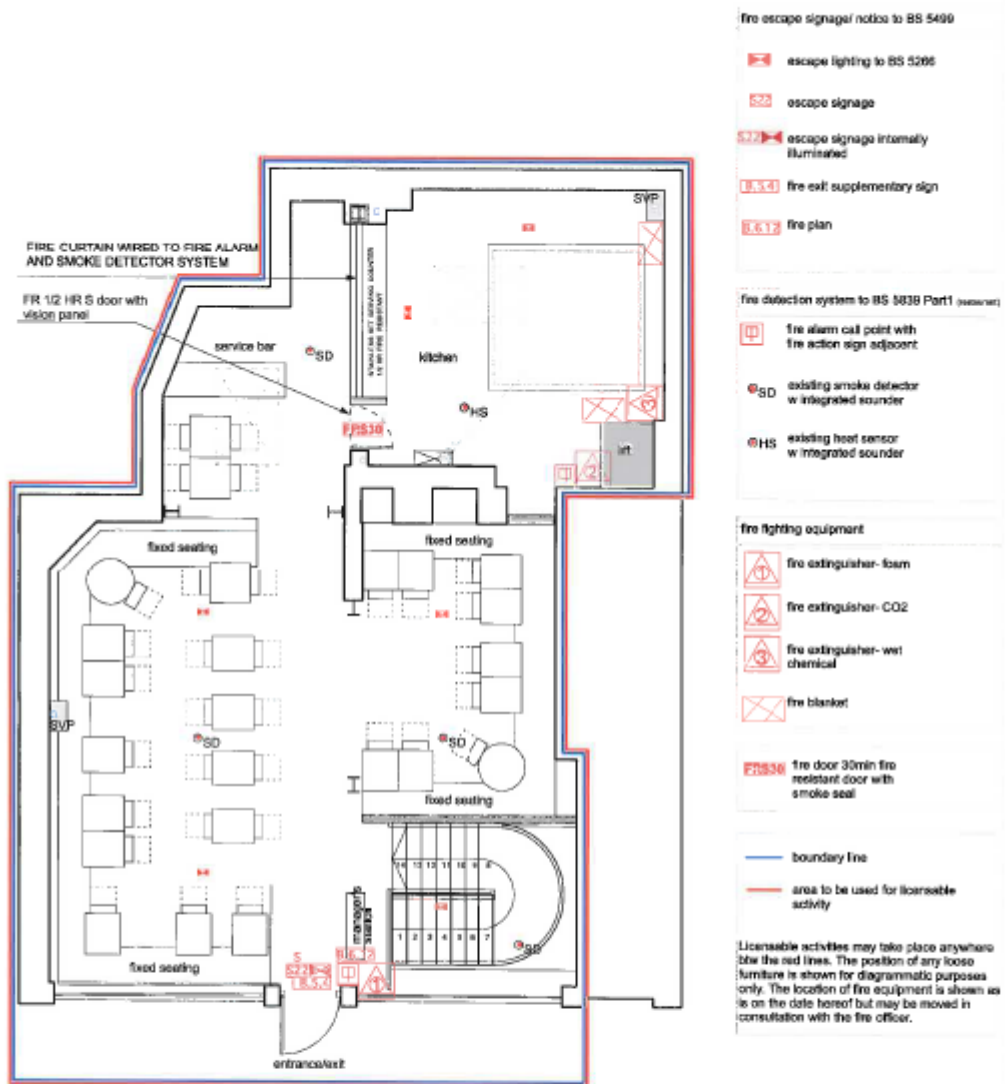
Background Documents – Local Government (Access to Information) Act 1972

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |
| 4 | Application form | 1 st August 2016 |
| 5 | Plan | 1 st August 2016 |
| 6 | Representation – Environmental Health | 25 th August 2016 |
| 7 | Representation – Ms Tracey Williams | 10 th August 2016 |



Project: 22-24 Seymour Place
 Title: A20-Proposed Basement
 Date: 28 July 2016
 Scale: 1:100 @A4

Studio Alice
 info@studioalice.co.uk



Do not scale dimensions from this drawing
All dimensions to be checked on site

Project: 22-24 Seymour Place
Title: A10-Proposed Groundfloor
Date: 28 July 2016
Scale: 1:100 @A4

Studio Alice
info@studioalice.co.uk

Applicant Supporting Documents

Appendix 2

None Submitted

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|-------------------------------|-----------------------------------|
| 07/01990/LIPN | Application for New Premises Licence | 17 th April 2007 | Granted under Delegated Authority |
| 12/07107/LIPT | Transfer | 5 th October 2012 | Granted under Delegated Authority |
| 13/02525/LIPT | Transfer | 2 nd May 2013 | Granted under Delegated Authority |
| 13/02551/LIPVM | <p>Minor Variation</p> <p>This application is to amend the plans to the premises. The applicants have recently acquired the premises and upon doing so did not realise that the plans provided to them were not the same as the plans on the licence. They therefore seek minor changes as set out on the plans to update the plans to reflect the true layout of the premises as well as improving the premises to promote the four licensing objectives.</p> | 2 nd May 2013 | Granted under Delegated Authority |
| 13/04043/LIPDPS | Vary Designated Premises Supervisors | 18 th June 2013 | Granted under Delegated Authority |
| 14/10443/LIPDPS | Vary Designated Premises Supervisors | 14 th January 2015 | Granted under Delegated Authority |
| 16/00556/LIPDPS | Vary Designated Premises Supervisors | 1 st February 2016 | Granted under Delegate Authority |

| | | | |
|-----------------|--------------------------------------|---------------------------------|-----------------------------------|
| 16/04058/LIPDPS | Vary Designated Premises Supervisors | 6 th May 2016 | Granted under Delegated Authority |
| 16/07819/LIPT | Transfer | 14 th September 2016 | Granted under Delegated Authority |
| 16/07922/LIPDPS | Vary Designated Premises Supervisors | 14 th September 2016 | Granted under Delegated Authority |

There is no appeal history

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

When determining an application for a variation of a 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.

Annex 2 – Conditions consistent with the operating Schedule

9. There shall be no adult entertainment in the form of nudity or restricted films shown.
10. Recorded music will be background.
11. Patrons will be asked to leave the premises quietly.
12. No noise generated from within the premises shall be audible from within any noise sensitive premises.
13. Unaccompanied children shall not be permitted on the premises after 21:00.
14. Licensable activities shall be permitted from the end of hours on New Year's Eve to the commencement hours on New Year's Day.
15. Other than to patrons seated in the bar area, the Sale of Alcohol 'On' the premises shall only be to persons taking a table meal there and consumption by such a person as ancillary to their meal.
16. Any alcohol served in the bar area shall only be served to patrons waiting to be seated for a table meal in the restaurant.
17. The Supply of Alcohol shall be by waiter or waitress only.
18. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. The number of persons accommodated at the premises shall be
Ground Floor - 30 persons excluding staff
Basement 40 person excluding staff
20. The premises will install and maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and

exit points, and the street environment and which enables frontal identification of every person entering in any light condition. That the CCTV system will be in accordance with the advice of, and to the satisfaction of, a Metropolitan Police Crime Prevention Officer. All cameras shall continually record whilst the premises are open to the public and the recordings shall be made and retained for at least thirty-one days and shall be readily available for inspection by the Police or an authorised officer from Westminster City Council.

21. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

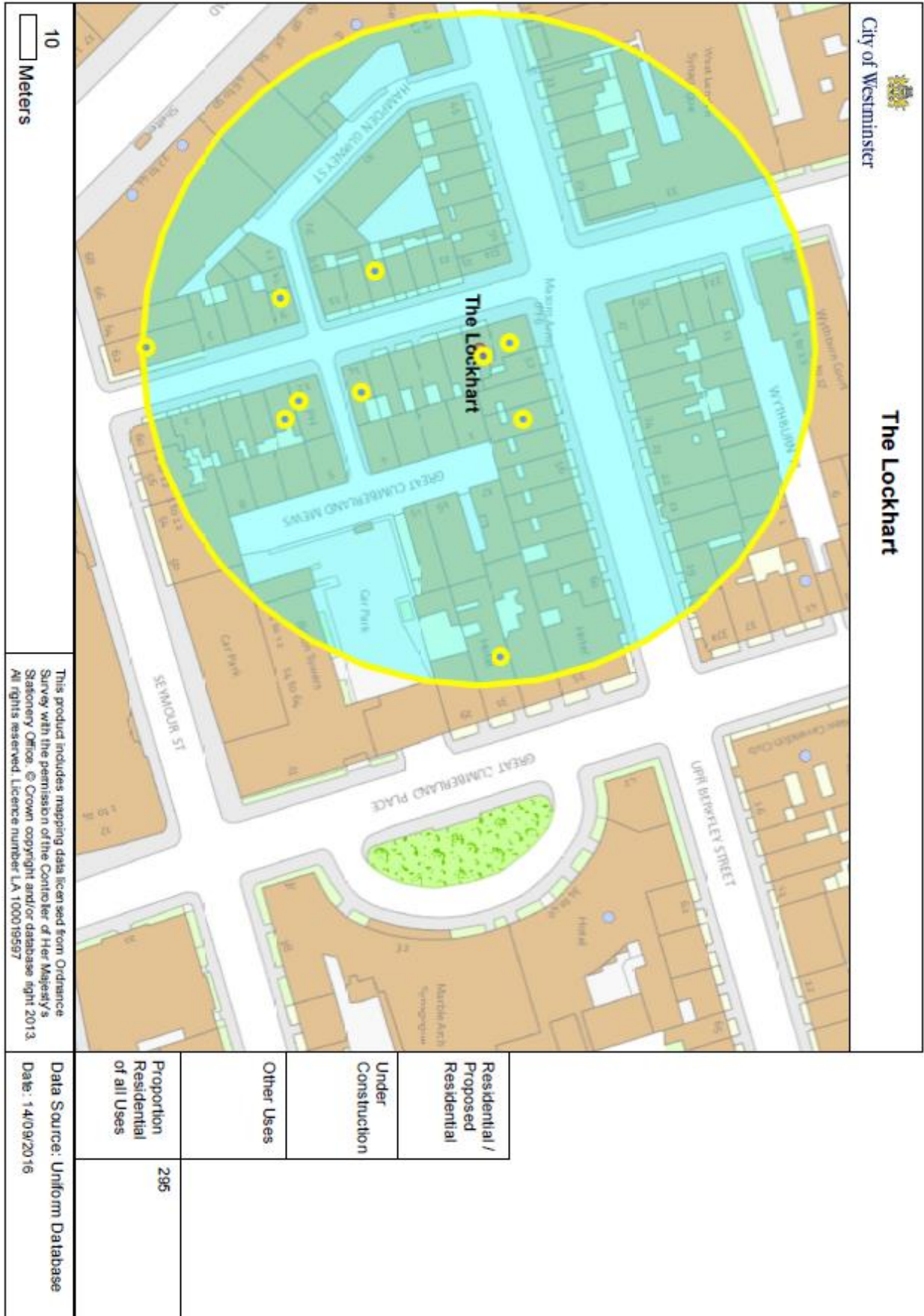
Annex 3 – Conditions attached after a hearing by the licensing authority

None.

Proposed conditions from Environmental Health *(these conditions have been agreed by the applicant)*

22. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take alcoholic drinks or glass containers with them.
24. 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.
25. 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.
26. 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.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

28. 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.
29. All tables and chairs shall be removed from the outside area by **23.00** each day.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
31. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
33. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
34. 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.
35. No licensable activities shall take place at the premises until the premises has 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.
36. No licensable activities shall take 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.



City of Westminster

The Lockhart

10 Meters

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| | |
|------------------------------------|-----|
| Residential / Proposed Residential | |
| Under Construction | |
| Other Uses | |
| Proportion Residential of all Uses | 295 |
| Data Source: Uniform Database | |
| Date: 14/09/2016 | |

Premises within 75 metres of The Lockhart, 24 Seymour Place, London, W1H 7NL

| p/n | Name of Premises | Premises Address | Licensed Hours |
|------------|---------------------------------------|--|---|
| 18938 | Bernardi's | 62 Seymour Street London W1H 5BN | Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30 |
| -28979 | Donostia | Basement And Ground Floor 10 Seymour Place London W1H 7ND | Sunday 11:30 - 21:00 Monday to Saturday 11:30 - 23:00 |
| -20341 | The Marble Arch By Montcalm London | 31 Great Cumberland Place London W1H 7TA | Monday to Sunday 00:00 - 00:00 |
| -15598 | Donostia | 9 Seymour Place London W1H 5BA | Sunday 10:00 - 21:00 Saturday 10:00 - 23:00 Monday to Friday 11:30 - 23:00 |
| 22828 | The Sumner Hotel | 54 Upper Berkeley Street London W1H 7QR | Monday to Sunday 00:00 - 00:00 |
| 27265 | Sandy's | 14 Seymour Place London W1H 7NF | Sunday 11:00 - 23:00 Monday to Saturday 11:00 - 23:30 |
| 32157 | Carpenters Arms | 12 Seymour Place London W1H 7NE | Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30 |
| -25019 | The Portman | 51 Upper Berkeley Street London W1H 7QW | Monday to Friday 07:30 - 00:00 Saturday 09:00 - 00:00 Sunday 09:00 - 23:30 |
| 31290 | Vinoteca | 15 Seymour Place London W1H 5BE | Monday to Sunday 08:00 - 23:00 |

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City of Westminster Licensing Sub-Committee

| | |
|---------------------------|---|
| Meeting: | <i>Licensing Sub-Committee</i> |
| Date: | <i>29th September 2016</i> |
| Classification: | <i>General Release</i> |
| Premises: | <i>Adult World, 5 Walker's Court, London, W1F 0BT</i> |
| Wards Affected: | <i>West End,</i> |
| Financial Summary: | <i>None</i> |
| Report of: | <i>Operational Director for Public Protection and Licensing</i> |

1. Executive Summary

- 1.1 The City Council ("The Council") has received an application to vary an existing Sex Establishment to allow the basement area of the premises to be used. This report sets out the application details, objections, policy and legal context along with other relevant considerations that the Committee requires to determine this application.

2. Options

- 2.1 That following consideration of the oral and written evidence at the hearing by the applicant and objectors the Sub Committee may when exercising it's statutory powers:
- 2.1.1 Grant the application in full
 - 2.1.2 Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - 2.1.3 Refuse the application.

3. Application

- 3.1 On the 20 May 2016 the applicant applied to vary the sex establishment licence to allow the basement area of the premises to be included within the licenced area, It is therefore proposed that three preview booths are to be located on the

premises for this purpose. These booths will allow customers to preview videos prior to purchasing. A copy of the application is attached as Appendix 1.

4. Objections

- 4.1 The application has received one objection and this is attached as Appendix 2
- 4.2 On the 16 June 2016 an objection was received from Mr Steve Rowe of the Council's Licensing Authority. The reason for the objection relates to the lack of detail given in respect of how the new booths are to be managed and properly supervised.

5. Policy Considerations

- 5.1 The sex shop policy relates to the number and location of shops only. This application will not increase the number of licences granted.

6. Legal Implications

- 6.1 The Local Government (Miscellaneous Provisions) Act 1982, Schedule 3

18(1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.

(2) The appropriate authority—

- (a) may make the variation specified in the application; or
- (b) may make such variations as they think fit; or
- (c) may refuse the application.

(3) The variations that an authority may make by virtue of sub-paragraph (2)(b) above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

7. Human Rights Act and Equalities Act

- 7.1 In making a decision consideration will need to be given to the applicants rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. The Home Office Guidance suggests that "local authorities would be well advised to consider whether any interference with the applicants rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention

of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of other, or in the case of Article 1, Protocol 1, can be justified in the general interest”.

Appendices

- 1 – Application and Plan**
- 2 – Objection**
- 3 – Applicants submission**
- 4 – Map of licensed SEV premises in the area.**

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

David Sycamore on 020 7641 8556 or at dsycamore@westminster.gov.uk

BACKGROUND PAPERS

The Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
Westminster Sex Shop Policy 1999



City of Westminster

3

PREMISES MANAGEMENT
LICENSING SERVICE
20 MAY 2016
CITY OF WESTMINSTER

APPLICATION TO VARY A SEX ESTABLISHMENT LICENCE

This form should be completed and forward to the Licensing Service, City of Westminster, 4th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP (Telephone: 020 7641 8549) with a cheque or postal order for the appropriate fee made payable to the City of Westminster and crossed.

CASH SHOULD NOT BE SUBMITTED.

I/We apply to vary the licence for the premises in item 3.

| | | |
|----|--|---|
| 1. | (a) Full name and address of applicant(s). (Use separate sheet if applicable) | Name:- <i>UNIQUE MOOD LTD</i> Address:- <i>PENNYFARTHING HOUSE</i> <i>560 BRIGHTON ROAD</i> <i>CR2 6AW</i> |
| | (b) Tel No: (during normal office hours) | <i>0780 987 4066</i> |
| 2. | If the applicant is an individual the following information is to be supplied:- | |
| | (a) Date of Birth | <i>N/A</i> |
| | (b) Place of Birth | <i>N/A.</i> |
| 3. | (a) Name and address of premises. | Name:- <i>ADULT WORLD</i> Address:- <i>5 WALTERS COURT</i> <i>LONDON</i> <i>W1F 0BT</i> |
| | (b) Tel No: | <i>0780 987 4066</i> |
| 4. | Give details of proposed variation to the licence. (Use separate sheet if applicable) | <i>TO CONVERT THE BASEMENT OF THE PREMISES, PRESENTLY USED FOR STORAGE, TO ACCOMMODATE THREE (3) 'PRE VIEWING' BOOTHS. FOR USE FOR CLIENTS WISHING TO PURCHASE R18 VIDEOS. SEE ENCLOSED PLAN.</i> |

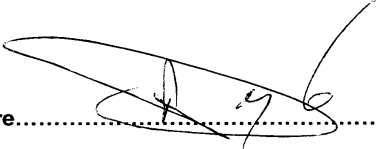
IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

| | | |
|----|---|--|
| 5. | Address to which licence and correspondence should be sent. | UNIT 9, WESTFIELD COURT PORTSMOUTH ROAD, SURREY, KT6 4HG |
|----|---|--|

WARNING

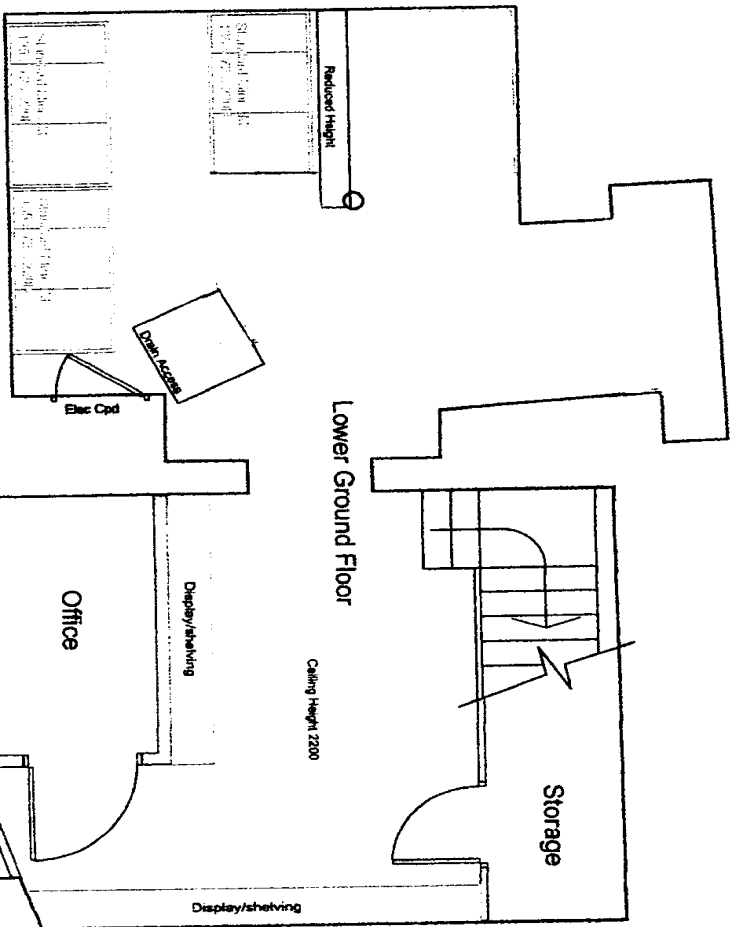
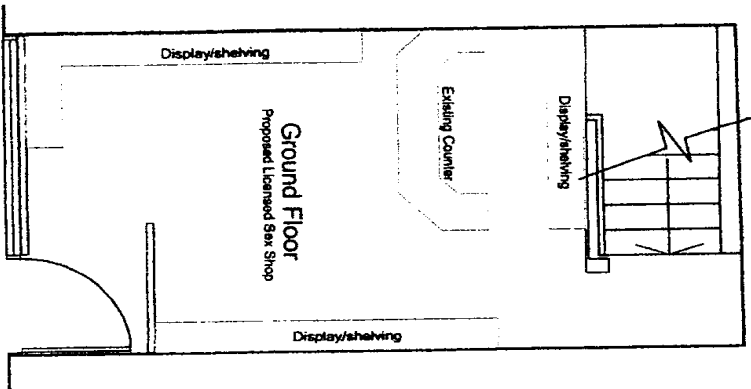
ANY PERSON WHO, IN CONNECTION WITH THIS APPLICATION, MAKES A FALSE STATEMENT WHICH THEY KNOW TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS, GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING £20,000.

I/We (please print full name) PHILIP DOYLE declare that the information given above is true and complete in every respect.

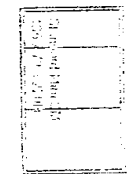
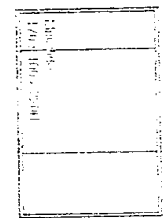
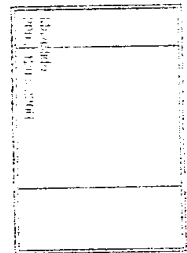
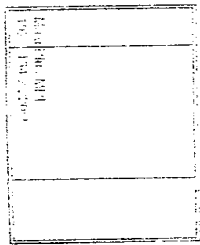
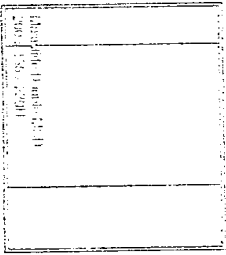
Signature.....  Date..... 17th May 2016

Data Protection Act 1998: This information will only be used for the purposes stated above. Please address any data protection enquiries to the Data Protection Officer, Information Services, 16th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.





NOTE: These video booths have the same height as the ceiling. Fitting them, if possible will be very hard.
 Due to such tight tolerances all dimensions should be checked with booth manufacturer.



Video Booth - sizes available from www.micro-tech.de

| | | |
|---|-------------------|------------|
| A Video Booths added | | 3 Dec 2015 |
| Architects | | |
| Site 5 Walkers Court | | |
| London W1 | | |
| DWG Proposed Floor Plans | | |
| DWG No: 200 | DWG Rev: A | |
| Author/Drawn | SCALE | |
| DATE | 1:50 at A1 | |
| Set 2015 | | |
| Do not scale off the drawing. Check all dimensions on the ground. | | |
| Drawn by richardsgendens@live.co.uk | | |

Appendix 2

An objection has been received from Mr Steve Rowe, representing the Licensing Authority.

As an authorised officer for the council under the Local Government (Miscellaneous Provisions) Act 1982 please accept this letter as a formal objection to this application on behalf of the council.

The applicants have not provided sufficient information with the application as to how the premises intend to operate the viewing booths under the licence. Particular concern is raised to the lack of information relating to the supervision of the booths.

Appendix 3

From: Philip Doyle [REDACTED]
Sent: 27 July 2016 10:32
To: Rowe, Steven: WCC
Subject: 5 Walkers Court-Variation

Hi Steve,

Very good to see you last week.

Thank you for making the time available to discuss this application and explaining the council's concerns.

We understand that the council does not want the booths to be used in ways which are in any way offensive or indecent, and would be pleased to take steps to ensure that does not occur. My client has no interest in the booths being used for anything other than the intended purpose, pre viewing of videos before purchase.

The area occupied by the booths at 5 Walkers Court will be covered by CCTV and constantly monitored.

That basement area will also be monitored by a member of staff.

The booths will be used by clients who wish to 'pre view' an 18R video they propose to purchase. They will be able to select the title they are interested in from a menu inside the booth.

My client will have a suitably sized 'spy hole' drilled in each door. He will insert the kind of wide angle lens that are used in the front doors of domestic homes for security in the spy hole. This will enable the booth to be checked to ensure that it is being used in the intended way, and not for any other purpose.

Notices will be placed inside and outside the booths stating that if any client is found to misuse the booth, they will be removed from the premises and excluded on a permanent basis.

My client does not want to remove the locks because he would prefer to lock them when they are not in use. This will remove the possibility of people entering them without permission.

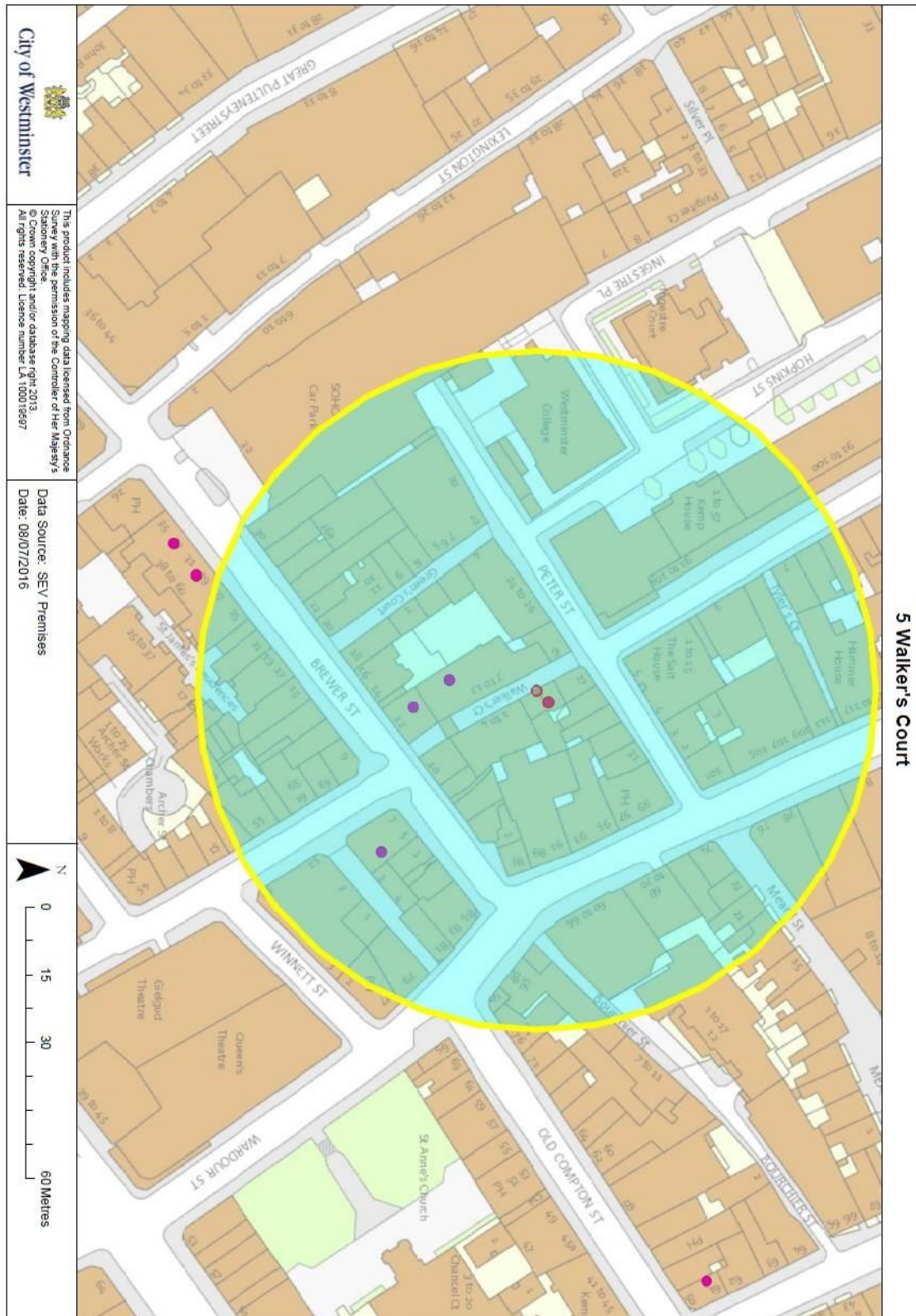
The booths to be used are identical in every way to those that have been in use for some years in the basement of the bookshop in Walkers Court at the junction with Brewer Street. It is understood that there is no evidence of misuse at that location.

Thanks again for your help with this, I hope these conditions will meet the concerns of the council.

Please let me know if I can help in any other way.

Best

Phil



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