



City of Westminster

# Committee Agenda

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

Meeting Date: **Thursday 7th September, 2017**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Tim Mitchell (Chairman)  
Heather Acton  
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 via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. 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](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://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. 90-92 GREAT PORTLAND STREET, W1

(Pages 1 - 66)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / not in cumulative impact area	90-92 Great Portland Street, W1	New Premises Licence	17/07371/LIPN

#### 2. GREEN MAN PUBLIC HOUSE, 57 BERWICK STREET, W1

(Pages 67 - 102)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / West End Cumulative	Green Man Public House, 57 Berwick	New Premises Licence	17/07395/LIPV

	Impact Area	Street, W1		
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**3. O'NEILL'S, 37-38 GREAT MARLBOROUGH STREET, W1**

**(Pages 103 - 138)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End Cumulative Impact Area	O'Neill's, 37-38 Great Marlborough Street, W1	Variation of a Premises Licence	17/07390/LIPV

**4. BASEMENT AND GROUND FLOOR, 19 NEW QUEBEC STREET, W1**

**(Pages 139 - 156)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Bryanston and Dorset Square Ward / not in cumulative impact area	Basement And Ground Floor, 19 New Quebec Street, W1	New Premises Licence	17/06994/LIPN

**Charlie Parker  
Chief Executive  
1 September 2017**

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.

### **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.



Item No:	
Date:	7 September 2017
Licensing Ref No:	17/07371/LIPN - New Premises Licence
Title of Report:	90-92 Great Portland Street London W1W 7NT
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			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	3 July 2017		
<b>Applicant:</b>	Rajbir Singh Sawhney		
<b>Premises:</b>	The Whisky Exchange		
<b>Premises address:</b>	90-92 Great Portland Street London W1W 7NT	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	According to the application the premises will operate as specialist shop selling high end products including rare, collectable and aged spirits.		
<b>Premises licence history:</b>	This is an application for a new premises licence and no history exists for the premises.		
<b>Applicant submissions:</b>	Please see Appendix 1.		
<b>Plans</b>	Plans of the premises are available upon request from the Licensing Authority and will be available at the Licensing Sub-Committee.		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off Sales
<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>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None applied for.				

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>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None applied for.				

<b>Adult Entertainment:</b>	None applied for.
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## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service (withdrawn)
<b>Representative:</b>	PC Brian Hunter
<b>Received:</b>	11 <sup>th</sup> July 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application, It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder as There are insufficient conditions contained within the operating schedule.

I have listed the following conditions the Police would like to see on the Premises Licence. If these are agreed to I would be willing to withdraw my representation:

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.

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

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) any faults in the CCTV system,
- (f) any visit by a relevant authority or emergency service.

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.

There shall be a personal licence holder on duty on the premises at all times when the

premises are authorised to sell alcohol.

No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

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

Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

***Following the agreement of conditions, the Metropolitan Police Service have withdrawn their representation.***

<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	31 <sup>st</sup> July 2017

I refer to the application for a new Premises Licence for the above premises.

The applicant has submitted Lower Ground Floor and Ground Floor plans of the premises (no reference but drawn by PDS Licensing).

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

**The applicant is seeking the following:**

1. Supply of Alcohol 'off' the premises on Monday to Saturday from 08:00 to 23:00 hours and 10:00 to 22:30 hours on Sunday

**I wish to make the following representations as numbered above:**

1. The Supply of Alcohol and for the hours requested may have the likely effect of causing an increase in Public Nuisance in the area

The applicant proposes similar conditions to their 'sister' premises under Premises Licence 15/03758/LIPN save for the capacity condition. This is under consideration for adequacy of the actual application as applied.

It is also unclear if the premises have been refurbished for the proposed use and will in any case need to be inspected for Public Safety prior to start of licensable operations.

The applicant is therefore requested to contact the undersigned to arrange a site visit to discuss the above issues after which Environmental Health may request additional conditions.

Further discussions with EH and applicant:

Environmental Health are now content with this application. This is based on the clarification by the applicant on the circumstances how any 'tasting' events shall take place, conditions proposed by the applicant, the additional conditions agreed with the Police and the following additional Environmental Health conditions:

- The number of persons permitted in the basement part of the premises at any one time shall not exceed (X) persons. *(to be confirmed on completion of works condition but shall in any case not be more than 60 persons)*
- 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.

Nevertheless if the application is to be determined at licensing –subcommittee Environmental Health shall await to withdraw its representations there as it would wish to be party to any discussions held at subcommittee.

**2-B**

**Other Persons**

**Received:**

22<sup>nd</sup> July 2017

I am writing on behalf of the Leaseholder Management Company, Portland Apartments Ltd, for the leaseholders of 18 flats within 89 Great Portland Street, London W1W 7LX.

Our flats are situated directly opposite 90-92 Great Portland Street. The last commercial tenant of 90-92 was a bicycle shop - Velorution. This was quiet and low impact to both residents and traffic congestion.

We object to the application as described.

The proposed licence premises opposite will have a detrimental effect on the lives of all of the residents of 89 Great Portland Street due to: -

1. Extended opening hours
2. Noise during operating hours and after closing times
3. Create further traffic congestion in Great Portland Street and surrounding area
4. Further objections we wish to be considered are:-

4.1 The application is being made in the name of an individual (page 2). This is misleading. Mr Rajbir Singh Sawhney has been running a spirits business since 1999. He refers in his application on page 5 to:-

"This will be the second retail outlet within the Westminster Licencing District"

4.2 This outlet is The Whisky Exchange, 2 Bedford St, WC2E 9HH

<https://www.thewhiskyexchange.com/about/company>

<<https://www.thewhiskyexchange.com/about/company>>

where tastings events are held - please see home page screen print attached. Therefore alcohol is intended to be consumed on the premises, contrary to the application page 13 section M.

Spirits tastings 8.00 till 23.00 (mon-sat) and 10.00-22.30 (sun) are wholly unacceptable to the residents.

Rationale for objections

#### 1. Extended opening hours

This application is for a shop selling spirits as per the Whisky Exchange in 2 Bedford St, WC2E 9HH. The opening times in Covent Garden are on the left: -

#### OPENING TIMES

#### PROPOSED GPS TIMES

Monday 10.30am – 7pm	8.00 - 23.00
Tuesday 10.30am – 7pm	8.00 - 23.00
Wednesday 10.30am – 8pm	8.00 - 23.00
Thursday 10.30am – 8pm	8.00 - 23.00
Friday 10.30am – 8pm	8.00 - 23.00
Saturday 10.00am – 8pm	8.00 - 23.00
Sunday 12.00pm – 6pm	8.00 - 22.30

The Covent Garden Shop is always a residential area. Therefore we argue the opening times should mirror / be no longer than the opening times of the Covent Garden shop - also in Westminster.

Times lifted from the Whisky Exchange website on 22/7/17:-  
<https://www.thewhiskyexchange.com/shop/london/coventgarden>

#### 2. Noise during operating hours and after closing times

##### 2.1 Tasting Events

As above, this retailer offers tasting events in its shop in Covent Garden and previously in Vinopolis (2005-2015) in Borough. The photos show customers tasting spirits at both sites.

<https://www.thewhiskyexchange.com/shop/london/vinopolis>

Having spirits being drunk from the proposed 8.00- 23.00 (Mon- Sat) and 8.00 - 22.30 (Sun) is going to generate squiffy/inebriated visitors leaving the premises which will cause unnecessary disturbances for our residents.

## 2.2 Putting out and collection of rubbish

There is no back access to this commercial unit. Therefore bottles will be put out late at night and then collected even later. This will cause further unacceptable disruption to residents lives. Residents do work and study and need their sleep.

Great Portland Street is already noisy with traffic, police helicopters buzzing almost daily. Any time there is a demonstration near the BBC/Oxford Circus, the noise is terrific. People carousing along GPS late at night happens particularly at the weekends. It is worse in the summer when residents have their windows open.

The flats are of a concrete construction with all but one flat with any form of secondary glazing. All others are single glazed Critall (metal) windows. Noise travels from the front of the building to the back easily (and vice versa). We have 12 bedrooms on the front elevation, including elderly leaseholders with a heart condition. We have a further 5 flats with 10 bedrooms at the rear of the building with no sound barrier/wall to muffle noise. A further 12 bedrooms are at the back of the building.

## 2.3 Deliveries

All deliveries would need to be made on Great Portland Street. Deliveries will be noisy at what ever time of the day or night they are made causing residents undue disturbance.

## 3. Creating further traffic congestion in Great Portland Street and surrounding area

### 3.1 Deliveries and order collection

All deliveries would need to be made on Great Portland Street. Deliveries will be disruptive to the traffic flow in this part of the west end. This part of GPS is busy with two way traffic. Deliveries will block one lane of the street at any time of day or night.

This commercial space, in this location, is wholly unsuitable for this type of business.

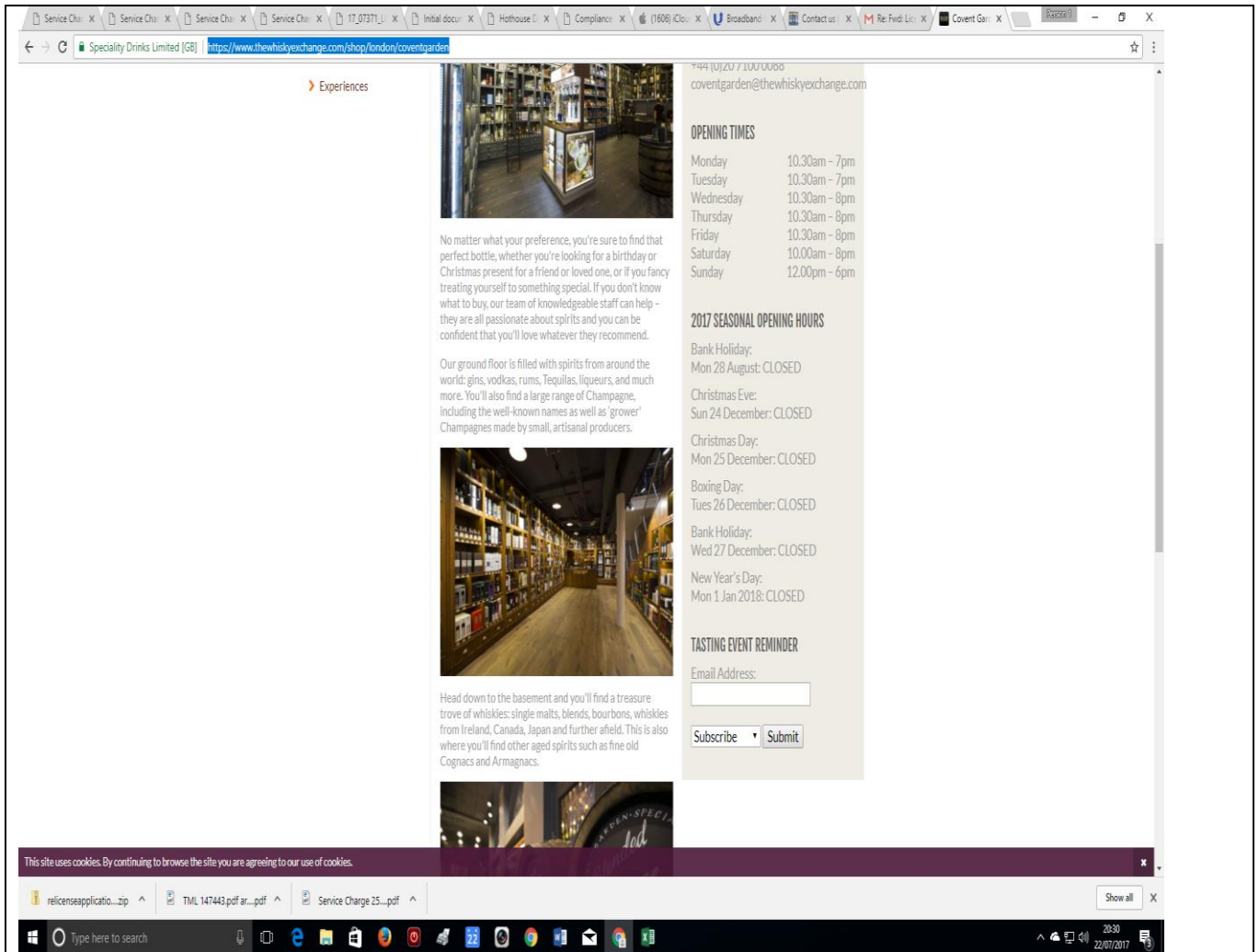
## 5. Request for conditions to be applied to this application

5.1 To restrict the licence to the applicant only so that it can only be used for the business as described in the application, and not transferred to another business. That is, the licence cannot be "sold on" to another alcohol retailer.

5. 2. To restrict deliveries and disposal of rubbish and recycling to within 9.00 - 20.00 (Monday - Friday) 10.00-20.00 (Sat) and 12.00-18.00 (Sun) . That is, all deliveries must arrive and leave within the stated hours. The reason for this is protect residents amenity and so they do not suffer noise nuisance from deliveries or disposal of rubbish and recycling.

5.3 Tastings are limited to 12.00-18.00 (Mon- Sun). Any tastings outside of these hours the licence is to be revoked.

The leaseholders of 89 Great Portland Street wish for this application to be rejected for all the reasons above.



We wish to raise further concerns:-

Please see the following details from the website <http://www.gpe.co.uk/our-portfolio/7892-great-portland-street/>

78/92 Great Portland Street and 15/23 Riding House Street are a group of mixed period buildings comprising:

- \* Grade II listed 78/82 Great Portland Street, built in the early 1900s
- \* 88/92 Great Portland Street, built in the 1930/1940s
- \* 84/86 Great Portland Street and 15/23 Riding House Street (both more contemporary post war developments)

The entire block is under redevelopment by GPE to provide 23,000 sq ft of residential flats, 11,000 sq ft of retail units and 18,000 sq ft of offices, due for completion in 2017.

1. None of these properties on the block are able to object to this application as the properties are still empty.
2. There will shortly be more cars in this area when these new residents/office workers move in on this block so congestion will be greater than now, both during the week and at weekends. Regular deliveries and commercial rubbish collections to 90-92 Great Portland



Street will further add to this forthcoming increased congestion in this area.

Thank you for also considering these matters.

Portland Apartments Ltd,  
89 Great Portland Street, London W1W 7LX

Dear Heidi,

**Re: 90-92 Great Portland Street, London W1W 7NT**  
**Application for new premises licence ref: 17/07371/LIPN**

I wish to add to the submission made this afternoon on behalf of the residents of 890 Great Portland Street W1W 7LX and make some further observations to the PDS Licensing submission dated 9 August 2017.

Residents continue to have grave concerns about the licensable activity sought by this application. The way in which the applicant intends to operate the premises is significantly beyond the scope of the application in that the intention seems to be to hold tasting events at the premises. It also makes little economic sense.

**The local area - Low footfall day and night**

The footfall on this part of Great Portland Street is also low during the day. Great Portland Street is certainly can in no way be deemed a traditional shopping destination. Traditionally this has been known as a rag trade area with wholesale showrooms. Many of the tenants in the commercial units on the block opposite 90-92 Great Portland Street and into Riding House Street were garment companies before the redevelopment. There are some production companies as well as advertising enterprises in the street but these companies only generate client visits. No regular buying customers. Granted there are a few specialist shops including an Interior Designer and a head office for a leather manufacturer with a small showroom cum retail floorspace at the front. Ryman have recently moved north along Great Portland Street to directly below our flats. Ryman are struggling to get customers through the door and they are a well-known, long established reputable brand.



2 August 2017 15.33 No passing trade

**Disturbance/Nuisance to our residents**

All deliveries and collections of waste etc will be via Great Portland Street.

This will cause further congestion as well as noise directly opposite our homes. Please see photos of traffic congestion while deliveries are being made during the day. Deliveries at the weekend are also problematic.



This congestion is caused by a yellow van sitting outside 90-92 Great Portland Street on 3<sup>rd</sup> August 2017 at 09.25





Having noisy rubbish collections during trading hours, let alone after hours, depending on the contractors timed routes will cause new daily disturbance to all our residents. In fact there will be double disturbances, the first someone putting the rubbish out on the street in either boxes or rubbish sacks, and then the collection seven days per week.

Please note this is before regular disturbances from evening whisky tastings which normally take at least 30 minutes for 40-60 participants to leave. The PDS submission stated 'tastings' would be limited to 30. However, there are a number of inaccuracies in this submission which would cast doubt on this number being valid.

Please refer to the undated Browns Brasserie reference issued to us on 9 August 2017 by Heidi Lawrance. It should also be noted Browns in St Martins Lane have held 'paid customer tastings' on a 'monthly basis for almost two years' so are experienced in how these tastings take to disband. This is without 'sales' people available in a retail shop to 'hard sale' to people who have been drinking neat spirits.

There is no business locally that makes a regular noise from guests/customers leaving late. This has always been a quiet area of W1. This is precisely why we like this area so much and chose to live here. If we wanted to live in a vibrant area of Westminster we would have chosen to live on the south side of Oxford Street in Soho.

The Whisky Exchange would detrimentally impact on our daily lives with late night whisky tastings and the ensuing rowdiness of groups of x people having drunk neat spirits. This

The PDS licensing application on page 3, paragraph 4 states: -

*"These events are run two or three times per month – dependent upon what new products are being marketed at any given time. They are ticketed events and the number of persons **invited** to such*

*promotional events is restricted to 30; these people come from a large data base of established clientele"*

We wish to question these two sentences.

We have already proved anyone can apply to have a tasting hosted. These events are in no way by invitation only.

Please see enquiry and response from Chris at the Covent Garden branch of Whisky Exchange on 11 August 2017 (already sunbmitted)

The Covent Garden email poses several questions: -

- Tastings in our Covent Garden are currently available at 7:30pm on Mon/Tue and 8:30pm Weds to Sat, and start from £35 per person and are all inclusive.

If we use this template, tastings would run from: -

- Mon- Tues 7:30 -9:00 + an estimated 30 minutes to leave = 9.30
- Wed- Sat 8.30 – 10.00 + an estimated 30 minutes to leave = 10.30

There is no doubt there will be noise after 9-9.30pm on Mondays and Tuesday and Wednesday through to Saturday after 10pm. This is unacceptable to all the residents, some of whom have enjoyed a quiet existence in this block for decades.

- This means 6 x 1cl shoots of neat spirit - no mention of spitting out as per wine tastings and then this is only ever adhered to at professional events where 30 – 100 wines are being tasted rather than 6-8 which a normal unprofessional tasting would show. These whisky tastings will be consumed.

This will very likely cause late evening disturbance on every evening a tasting is held. If any Tom, Dick or Harry can apply to have a tasting and we have demonstrated the footfall in the area is no existent – there is virtually no passing trade – then the Whisky Exchange MUST intend to hold tastings daily to make this site pay for itself.

The economics of this proposition fail to stand up from a retailer's point of view. The position of this site is wholly unsuited to a liquor store. If a licence was ever granted, the retailer would struggle to recover the money expended for fit out and overheads without a hard sell each evening.

The application is so vague that Westminster Council is leaving us residents, some of whom are retired, at the mercy of this or any future unprincipled licence holder to take advantage of the lack of any limits to their application.

It seems ludicrous to spend any amount of money on a site when customers aren't passing the door. Far better to go to a busier location and trade well.



**Conclusion**

Our residents primary position, is that we ask the Licensing Sub-Committee to refuse the application for the reasons set out above.

If however the Sub-Committee are minded to grant a licence, we request that the scope is limited and that robust safeguards are included on the licence to limit the potential for nuisance. These may include: -

- Restricting the operation of the licence to a specialist whisky shop of the type described in the application.
- Restricting the hours for deliveries, and movement and collections of waste/recycling etc.
- Making it clear that commercial tasting events are not permitted under the scope of the licence.
- If any private pre-booked events, paid or unpaid, are permitted, that they be limited in number and timings.

Yours sincerely,

**Received:**

18<sup>th</sup> July 2017

We object the application as described and we would like two conditions attached to this licence to make it acceptable.

1. To restrict the licence to the applicant only so that it can only be used for the business as described in the application, and not transferred to another business. That is, the licence cannot be "sold on" to another alcohol retailer.

2. To restrict deliveries and disposal of rubbish and recycling to within the opening hours of the premises. That is, all deliveries must arrive and leave within the stated opening hours. The reason for this is protect residents amenity and so they do not suffer noise nuisance from deliveries or disposal of rubbish and recycling.

We would appreciate it if the applicant or their representative would contact us by email to agree conditions so as to avoid a hearing.

**Received:**

25<sup>th</sup> July 2017

I write in respect of the above application as the owner and resident of a flat immediately opposite the premises to which it refers.

I must say I am appalled and object most strongly to this application.

There are a number of busy pubs already in the area and, much as the landlords seek to manage their customers, people crowd the pavements noisily making it difficult for residents living here to pass by, especially in the evenings. For such a business to be viable, given local rents and business rates, it would have to attract a very large number of customers, throughout any hours of operation.

I cannot see the need for a liquor store operating to pub hours seven days a week in what is mainly a residential area, specially as there is another store selling liquor only a few yards away from the above site. The street is very busy already, and deliveries, which would have to be made to the front door, would block the street even further. I am also concerned at the noise in the evenings from customers and from deliveries and rubbish disposal.

I understand that a similar store, which may be related, has "tasting evenings" which cannot add to the peaceful evenings residents hope for. The application is made by an individual - and as far as I am aware, he has no prior experience of running such an outlet and no corporate reputation to manage. If it is on behalf of an organisation, is their reputation so bad that they fear applying themselves?

The opening hours are unnecessarily long and the case for another outlet is not made. If you ignore residents' objections and are minded to recommend approval, which I would heartily deplore, any such approval should contain close restrictions on opening hours, on managing the noise and any unruly behaviour, and that the licence be exclusively for this one applicant - any future owners/renters of the site must be required to seek a new licence.

***Additional Comments following letter from the applicant:***

Thank you for sending me the correspondence sent in by the professional agent for the Whisky Exchange regarding representations made by local residents and others in respect of the above application. Far from allaying my concerns, the letter increases them. I am merely a local resident who does not have the knowledge of, the access to, or the funding available to hire, such a specialist firm of advisors as the Whisky Exchange, but wish nevertheless to voice my concerns about the effect of the proposals in the above.

May I set out those concerns?

I am writing as the owner and resident of a flat immediately opposite the premises to which the license application refers and I must say that I am appalled and object most strongly to this application.

1. First of all, whilst Great Portland Street is very near the centre of London, in the evenings and weekends it can be quiet and residents enjoy some peace. It is true that there are public demonstrations very occasionally and a few concerts at the BBC "open spaces" which break that calm, but generally, we enjoy a reasonable peace for some hours of the day. However, we do not wish to see disturbance becoming the norm during every day and every evening with a very busy bar/off-licence/liquor store/bottle shop operating across the road.
2. The applicant's agent has made his client's case in a "To whom it may concern" letter ("The Letter") a copy of which you have passed on to me. In it, the professional agent engaged at significant expense by the company says "The applicant and I have studied and fully appreciate the concerns of local residents". I very much doubt that understanding and any shared concern! The Letter only seeks to divert attention away

from the concerns of those residents and plead the case for the business to be allowed to move on and expand with little thought for the effect on the residents.

3. The Letter describes the applicant as “a family business” which is disingenuous. True, the top company appears to be owned by members of the same family, but if that is the criterion, J Sainsbury was also a family business ..... and Selfridges! The group of companies owned by the applicant, which includes the Whisky Exchange, turns over nearly £50 million per annum, with the family shareholders taking dividends in excess of £1 million annually – hardly what most people would describe as a “family business”. We are facing “big business”.
4. In The Letter, the applicant’s agent says of the Whisky Exchange that “it does not in any way or description fall into the category of a bar”. An establishment which holds regular parties several times a month does, in my view, resemble a specialist bar. Indeed, the conditions imposed by the police resemble those applied by the police to a bar. There are a number of busy pubs already in the area and, however much the landlords seek to manage their customers, people crowd the pavements noisily making it difficult for residents living here to pass by on the pavement, especially in the evenings, apart from residents having to tolerate the noise levels generated. People leaving The Whisky Exchange in the evenings will create noise at a time when we locals hope for peace and quiet. The Letter points out that party attendees will sample many whiskies in 1cl measures being “less than half of a standard measure” – but drinking the many samples will add up! Will customers subsequently see and strictly observe notices on the wall saying “Please be quiet”; I very much doubt it!
5. I note from The Letter that the refit costs are “in the region” of £400,000 and that the few of the annual costs which are quoted (staff, insurance, rates) total £325,000 per annum. In addition, there are many other operating costs for the daily running of the business, seven days a week, as well as agents’ costs for this application and for running the evening drinks parties. For a business with such regular and high costs to be financially viable, it would have to attract a very large number of customers, throughout many hours and days of operation, however much they charge for the products and services.
6. I cannot see the need for a liquor store operating to pub hours seven days a week in what is mainly a residential area, especially as there is another store selling liquor only a few yards away from the above site, as well as several pubs in the area. If, as the applicant’s agent suggests, it is “a specialist market retail outlet”, the hours must then be limited to shop hours, not to the hours of pubs and bars. This is particularly so as the applicant says it no way resembles a bar or pub. If there are particular times of year where the applicant seeks to operate longer hours, these could be applied for in the normal way.
7. The street is very busy already, and deliveries to this shop in the mornings, between 0800 and 1100, which would have to be made to the front door, would block the street even further as boxes of bottles are taken in and empty boxes removed. Such deliveries are going to take hours, not minutes. A parked truck outside would reduce the road to single lane – with the consequent effect on traffic congestion and fumes.
8. I understand that a similar store, owned by the same company, has "tasting evenings", and these are proposed, for up to 60 people, in this store. This cannot add to the peaceful evenings local residents hope for. I can imagine the problems this would create for those parking in the area too.

9. The application is made by an individual and The Letter refers to the reason for this being instances “where licenses have technically lapsed due to third parties, normally accountants, not filing company papers on time or incorrectly.....” I cannot believe that a huge company with a turnover of £50 million would be so inefficient! Again disingenuous - there is another reason. The applicant’s advisory firm says that restricting a personal licence to the present applicant “would be overly restrictive” as it would “...restrict the sale of the business ...”. That is precisely why there should be such a restriction. What is otherwise to stop the applicant selling on to e.g. Majestic Wine next year – and the residents having to cope with a wine supermarket on the site? I believe this is called "planning creep".
10. It is interesting to note that the majority of the flats above the store which is the subject of this application are not yet occupied - as far as I am aware (having been on holiday). The Whisky Exchange is not a suitable business to be approved for the area – and potential new owners will be put off by the introduction of such a business. I am concerned too that it will depress property values and lead to a completely different “feel” to the area.
11. I note the reference provided from Browns Brasserie and Bar - who run the evening events for The Whisky Exchange” (Note”Browns...**Bar**” and remember that The Letter says of The Whisky Exchange that “it does not in any way or description fall into the category of a bar”). I’m not surprised that Browns Brasserie and Bar provide support for a similar business which provides them with a regular monthly income!

If the Committee ignores residents' objections and is minded to recommend approval, which I would heartily deplore, any such approval should contain close restrictions on opening hours to match those of large local shops (which the applicant says describes the Whisky Exchange), on managing the noise and any unruly behaviour, and to ensure that the licence be exclusively for this one applicant - any future owners/renters of the site must be required to seek a new licence in their own/corporate names.

**Received:**

25<sup>th</sup> July 2017

It has been brought to my attention recently that an alcohol licence application has been made which I totally disapprove for obvious reasons.

This would not only be distributive but will also have a huge impact on the image of all property not to mention noise, general mess of bottles & rubbish.

I strongly recommend this application is rejected and I am sure all other leaseholders feel the same way.

**Received:**

22<sup>nd</sup> July 2017

We act as managing agents on behalf of All Souls College, Oxford, the freehold owner of 89 Great Portland Street which includes 18 residential flats. We consider the proposed licence premises opposite will have a detrimental effect on the lives of all of the residents of 89 Great Portland Street due to: -

1. Extended opening hours



- 2. Noise after closing times
- 3. Create further traffic congestion in Great Portland Street and surrounding area

1. Extended opening hours

This application is for a shop selling spirits as per the Whisky Exchange in 2 Bedford St, WC2E 9HH. The opening times in Covent Garden are on the left: -

OPENING TIMES	PROPOSED GPS TIMES
Monday 10.30am - 7pm	8.00 - 23.00
Tuesday 10.30am - 7pm	8.00 - 23.00
Wednesday 10.30am - 8pm	8.00 - 23.00
Thursday 10.30am - 8pm	8.00 - 23.00
Friday 10.30am - 8pm	8.00 - 23.00
Saturday 10.00am - 8pm	8.00 - 23.00
Sunday 12.00pm - 6pm	8.00 - 22.30

The Covent Garden Shop is also located in a residential area. The opening times at Covent Garden should be replicated at 90-92 Great Portland .

Times lifted from the Whisky Exchange website on 22/7/17:-

<https://www.thewhiskyexchange.com/shop/london/coventgarden>

2. Noise during operating hours and after closing times 2(a) Putting out and collection of rubbish There is no rear access to this commercial unit and bottles will therefore be put out late at night for collection. This will lead to unacceptable disruption to local residents lives.

Great Portland Street is already noisy with a high volume of traffic and pedestrians during the evening. The flats are of a concrete construction with all but one flat with any form of secondary glazing.

2 (b) Deliveries

All deliveries would need to be made on Great Portland Street. Deliveries will be noisy at what ever time of the day or night they are made causing residents undue disturbance.

3. Creating further traffic congestion in Great Portland Street and surrounding area

3 a) Deliveries and order collection

All deliveries would need to be made on Great Portland Street. Deliveries will be disruptive to the traffic flow in this part of the west end. This part of GPS is busy with two way traffic. Deliveries will block one lane of the street at any time of day or night.

We therefore consider there are valid grounds for this application to be rejected.

**Received:**

26<sup>th</sup> July 2017

I would like to raise a strong objection to the proposed alcohol license being granted to the Whisky Exchange for premises in Great Portland Street, opposite my flat at 89 Great Portland Street. Clearly, noisy gatherings immediately outside my building would be highly vexatious and I would be very disappointed if I found it was going ahead.

**Received:**

26<sup>th</sup> July 2017

I am resident of Flat. My wife and I are over 75 years old and struggle with a heart and lung disease and other old age-related woes. We would like to strongly object to the opening of a liquor store across the road at 90-92 Great Portland Street as such a liquor store would cause us great inconvenience and anxiety as it could encourage bad behaviour in the locality and it could jeopardise our safety, being old and vulnerable. Please kindly understand our concern and your cooperation will be highly appreciated.

**Received:**

26<sup>th</sup> July 2017

I am resident of Flat. My son who is a student and myself object to the opening of a liquor store across the road at 90-92 Great Portland Street. Firstly, the extended opening hours would cause a lot of disturbance. Secondly, the noise during operating hours and after closing time due to tasting events, putting out and collection of rubbish and deliveries would also cause further botheration. Traffic congestion is also a major concern to us. Please kindly take heed to my cause of concern as I have a teenage son who could also be encouraged to drink due to easy availability of liquor.

**Received:**

28<sup>th</sup> July 2017

REF: Alcohol Licence Application 90-92 GREAT PORTLAND STREET, LONDON W1W 7NT

I would like to join in objection to the enclosed application for the reasons mentioned to you previously and apply to me in this case. I attached the licence application made on behalf of the Whisky Exchange for the above ground and basement premises opposite 89 Great Portland Street which is a block of 18 residential flats.

Here is a list of my objections to this proposal:

1. The application is made as an individual rather than a company which has been trading since 1999 - The Whisky Exchange
2. The opening hours are pub hours rather than shop hours - this is unacceptable to the residents.
3. The location for such a shop is inappropriate - deliveries will cause disruption in what is already a congested street. These deliveries will also be noisy.
4. In another branch of this emporium in 2 Bedford St, WC2E 9HH, tastings are held. Holding any tastings will cause noise with people leaving squiffy/drunken, especially late in the evening.

5. There is no back access to this store. Therefore bottles will be put out late at night and then collected even later. This will cause further unacceptable disruption to residents lives. Residents do work and study and need their sleep.

6. There are enough places to buy alcohol in W1. We certainly don't need another one.

Great Portland Street is noisy enough with police helicopters buzzing almost daily. Any time there is a demonstration near the BBC/ Oxford Circus, the noise is terrific. People carousing along GPS late at night happens most nights - particularly at the weekends. My flat is of a concrete construction with single glazed Critall windows. Noise travels from the front of the building to the back easily.

**Received:**

31<sup>st</sup> July 2017

I am writing to you to object to the licensing application with Reference Number: 17/07371/LIPN at 90-92 Great Portland St, London, W1W 7NT.

I apologise that this objection is coming so close to the deadline, however I got married last weekend and was away on my honeymoon last week. I hope this does not cause too great an inconvenience.

I am one of the leaseholders of Flat 7, 89 Great Portland Street, London W1W 7LX. I live at this flat permanently with my husband. Our flat is opposite the premises 90-92 Great Portland St and I can see the full premises outside all our front windows, they are just a few metres away. Please see the attached photos of 90-92 Great Portland St from the window in my living room and in my kitchen.

I was really concerned and surprised when I read the licence application for the sale of alcohol, and in particular hosting alcohol-related events of very large groups of up to 60 people in a retail unit. We are hoping to start a family in our flat, and we are very worried this will no longer be possible if the premises opposite our home are used for holding large events involving drinking lots of alcohol, and deliveries and collections involving many glass bottles.

I have outlined the details of my main concerns below. Based on these concerns, I ask that this licence application is rejected, and that the retail unit is in-keeping with the surrounding retail units. However, if having heard the comments from the residents in the area, you make the decision to approve the licence for these premises, I would then ask that the licence is limited to the sale of high quality specialist alcohol, and does not allow events for tasting and drinking alcohol to take place in the premises.

1) Noise, congestion and public nuisance from events for tasting/drinking alcohol and subsequent bottle disposals My biggest concern is that the licence application includes permission for holding large events of up to 60 people for drinking alcohol, and I think this is extremely inappropriate for a retail unit and will lead to severe public nuisance. These types of events centred around drinking alcohol are much more similar to a bar or pub in terms of noise and public nuisance. When I made my decision to purchase the flat to settle down, we researched the surrounding commercial units to make sure that they are solely for retail units, and this was what was promised by Westminster council.

I have been to alcohol tastings in London, and they are loud and social events that often get rowdy. I have also been to tasting events in a similar premises at Vinopolis in London Bridge, which was previously owned by The Whisky Exchange - these are not small tastings to decide which bottle of alcohol to buy, but long social events that involve lots of drinking.

The applicant has stated that "customers will not be permitted to gather outside the premises or consume alcohol outside the premises - to be enforced by management". This will be extremely hard to do with large groups of people who have been drinking alcohol, and I have seen these crowds gather outside other similar premises around London. I understand there is only a front entrance to the premises, therefore this is the only place that groups could gather to meet before going inside, to smoke during events, and to gather after the event to discuss the event, wait for transportation home or decide where to go out next. This significantly increases the likelihood of public nuisance on a daily basis for me and all the surrounding residents and families.

Furthermore, the hosting of events involving tasting and drinking alcohol will result in a lot of empty bottles that need to be disposed of.

Throwing bottles into a bin of other bottles that will need to be placed in front of the building causes a lot of noise that will be very disruptive. The subsequent rubbish collection of these bottles that are thrown into a truck will cause further noise.

Therefore I appeal to you to reject permission for holding events in the retail unit at 90-92 Great Portland Street, even if the licence for sale of high quality specialist alcohol is granted.

## 2) Noise and congestion from deliveries, rubbish and bottle collection

I am concerned about the noise caused by deliveries and rubbish collection. They often involve large vehicles that are loud to operate.

I am also concerned about the congestion caused by additional significant deliveries and rubbish collection. There is already a lot of congestion in the area, especially when there are cars parked on the road. This leads to a lot of noise as cars and lorries are stuck in traffic, some play loud music, and if traffic isn't moving there are a lot of frustrated drivers that use their horns a lot. Please see attached for photos showing congestion last week. Please also see attached for a video I took at the weekend showing what happens when Great Portland Street becomes congested - drivers try to overtake each other dangerously, there is a lot of honking and shouting. Additional deliveries and rubbish collections can only add to this problem. If the licence is granted for the sale of high quality specialist alcohol, can it please include restrictions for reasonable hours for deliveries and rubbish collection, and also limit the frequency to once per day?

## 3) No respite from noise, public nuisance and congestion due to very long opening times

The opening times mirror those of pub opening times, and not of a retail unit - 08.00 to 23.00 Monday to Saturday and 10.00 to 22.30 Sundays.

This makes me so much more worried because there will be no respite from any of the noise when I am at home working, resting or trying to sleep, even late at night or during the weekends. If the licence is granted for the sale of high quality specialist alcohol, can it please include restrictions on the frequency and timing of any noisy activities that can disrupt the surrounding residents and/or cause public nuisance on the street?

#### 4) Scope of the licence application

I was surprised that the application has been made as an individual rather than a company that has been trading since 1999 - The Whisky Exchange. I think this is misleading and raises alarm bells about whether and how the licence might be sold on or used inappropriately.

If the licence is granted, can you please ask that the licence is made on behalf of the business, the licence is restricted to what is described in the application (a high quality specialist whisky shop), and that the licence is restricted to the applicant only so that it cannot be transferred or sold on to another business?

#### 5) Consideration for new residents in the surrounding area

There are many newly refurbished flats above and around this retail unit that have not yet been sold. Therefore there will be many new owners who will not have had the opportunity to object to this licence application. This licence application is a significant departure from previous retail units in the area, therefore I think it's important their interests are represented. Is it possible to extend the deadline until the units have been sold, or what are the other options to represent their interest?

I have spoken to other existing residents in the area, and I would like to attend any hearings and represent our concerns in person. I appreciate your help and assistance with this application, so that it can be resolved fairly for all the residents in the area.



















***Additional Comments:***

We have made relevant representations in respect of this application.

We have been invited to attend a hearing on Thursday 7 September 2017 at 5 The Strand. In accordance with Regulation 8(1) of Licensing Act 2003 (Hearings) Regulations 2005 we both confirm that we will be attending the hearing and that we believe a hearing is necessary. A

number of other residents will also try their best to attend - no doubt they will confirm directly to you. We will be represented by Richard Brown.

We have been advised that it may assist the Licensing Sub-Committee and the parties if we write to summarise our position and to comment on certain aspects of the application.

We have received through WCC a copy of a letter dated 9 August 2017 from the applicant's agent. We will address relevant points in due course.

Residents have grave concerns about the licensable activity sought by the application. Additionally, our view is that the way in which the applicant intends to operate the premises is significantly beyond the scope of the application in that the intention seems to be to hold tasting events at the premises.

### **The local area**

The area surrounding the premises is extremely residential. Directly opposite the premises is 89 Great Portland Street, a block of 18 flats. There are new and soon-to-be residential units above the premises.

Please find attached a document with some photographs of the immediate area at different times of day including in the evenings, to give Members of the Licensing Sub-Committee and the parties an idea of the context in which the proposed licensed premises would be operating (see attachment: *Photos of local area - 90-92 Great Portland Street.pdf*)

The street is very quiet in the evenings. There are no other licensed premises in the immediate vicinity and we are therefore protected from disproportionate noise in the evenings and late at night. We fear that this licence would change the current situation.

Whilst there is some traffic noise, it is considerably lower in the evenings. Noise from customers arriving and departing the premises and smoking outside would cause a nuisance. Whilst this may not be so much of an issue with off sales in a retail shop, we have reason to believe that the applicant is planning to hold 'tastings' and other events at the premises. This completely changes the 'risk' profile of the operation.

In addition, all deliveries and collections of waste etc. will be via Great Portland Street. This road gets very congested and results in honking when there is any obstacle, especially when there are cars parked on both sides and it's impossible for traffic to pass if a delivery is being made.

The nature of the local area engages specific sections of policy PN1 in the Council's Statement of Licensing Policy.



**Re: 90-92 Great Portland Street, London W1W 7NT  
Application for new premises licence ref: 17/07371/LIPN**

**Photos of the immediate area surrounding the premises  
on different days and times of the week:**

*90-92 Great Portland Street proposed premises for retail unit with all residential flats  
above these premises including families with young children*



*89 Great Portland Street residential building with 18 flats and single glazing  
opposite the premises*



22 August at 11.22am

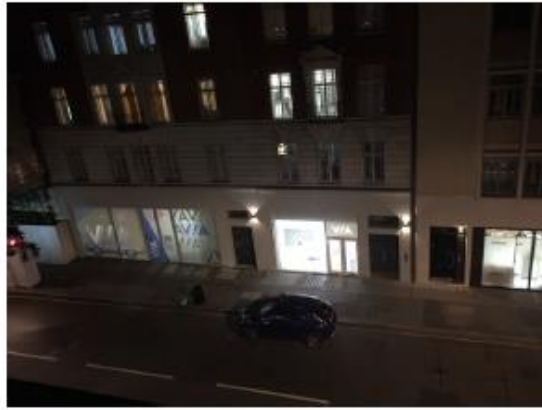


3 August at 9.23am

Traffic jam caused by van



4 August at 23:01





15 August at 20:22





23 August at 20:20



## **The application**

**1.** S17(4)(a) Licensing Act 2003 requires an applicant to set out in the Operating Schedule a statement of 'the relevant licensable activities'.

The application does not seek sale of alcohol for consumption 'on' the premises. However, we believe that what is proposed may require permission for sale of alcohol for consumption on the premises.

The fact that sale of alcohol for consumption off the premises is listed as the only licensable activity sought and the absence of a reference to events in the application is vitally important because events are likely to bring with them additional nuisance. There is a reference in the Operating Schedule to condition 9, which is a capacity figure for the basement. Upon perusing the Bedford Street licence, we saw that there was a capacity figure for the basement. We were advised that this strongly implied that tasting or other events may be held there. If this was to be the case at 90-92 Great Portland Street, we would have grave concerns.

We submit that if this is the case, other concerned residents would not have been aware (it not being stated on the application form) and so may not have objected to the application as they assumed that the premises would operate as a retail shop and there would be no such events.

**2.** At the time of submitting our representations, this was all merely supposition. However, the letter from the applicant's agent confirms that this is the intention:

"The next matter I would like to address is the 'Tasting Events' that some of you have mentioned. From the outset, I need to make it very clear to everyone who has mentioned this in their representations how the tasting events are operated. These events are run only two or three times a month – dependent upon what new products are being marketed at any given time. They are ticketed events... The applicant has been successfully running these events for the last 12 years. These events normally start early evening and are usually completed by 9:00pm latest".

**3.** According to the application, the applicant seeks permission for sale by retail of alcohol for consumption 'off' the premises only. We are concerned about the potential for nuisance arising from this, given the nature of this locality as described above and the terminal hour requested for this activity is every day of the week and from early morning until late at night. There will be a lot of noise from groups gathering before an event, smoking outside during the event, gathering after the event having consumed spirits and alcohol, congestion and more noise from transport as lots of people arriving and leaving, and disposal of bottles after events. The capacity of the basement is for up to 60 people therefore these will be very large groups.

**4.** We appreciate the applicant taking the time to provide further information, but the content does not provide us with a great deal of comfort. We comment as follows:

**a)** We note the slight reduction in hours for off sales, but this does not address our concerns.

**b)** The letter confirms that the basement will be used for 'promotional tasting events', but no further conditions are offered regarding these events.

**c)** The letter states information about tasting events at the Bedford Street premises that does not accord with information we have gathered.

- For example the letter states “They are ticketed events and the number of persons invited to such promotional events is restricted to 30; these people come from a large data base of established clientele. Those who attend such events are private collectors and connoisseurs... These events would not be open to the ‘stag / hen party goers’ as mentioned in one of the representations; attendance is by invitation only”. However, we have made two separate and successful enquiries to organise a tasting event as members of the public who are not on their database of established clientele, not connoisseurs, and were not invited. There is also marketing material for these private events on their website and when requested by email. Please find attached the following supporting documents:

*Email 1 - Tasting event enquiry 1.pdf*

*Email 2 - Tasting event enquiry 2.pdf*

*Whisky Exchange - Private Tasting Pricelist.docx*

*Website - Whisky Exchange in Bedford Street - Private events*

- For example the letter also states “These events normally start early evening and are usually completed by 9:00 pm latest.” However this contradicts the information from Bedford Street, and private tastings are much more likely to finish at 10:00pm and therefore there would be large groups of people on a residential street between 10:00pm to 10:30pm. Specifically:

“Tastings in our Covent Garden are currently available at 7:30pm on Mon/Tue and 8:30pm Weds to Sat” (see attachment: *Email 1 - Tasting event enquiry 1.pdf*)

“...weekends are not problem, although consider that we do these tastings after closing the shop, so the tasting will take place at 8:30pm and carry on for about 90 minutes.” (see attachment: *Email 2 - Tasting event enquiry 2.pdf*)

**d)** We are aware that consumption of alcohol which is given away for free is not a ‘licensable activity’. However, it seems from our research that a charge is made for these events. Please find attached the following supporting documents:

*Email 1 - Tasting event enquiry 1.pdf*

*Email 2 - Tasting event enquiry 2.pdf*

*Whisky Exchange - Private Tasting Pricelist.docx*

*Website - Whisky Exchange in Bedford Street - Private events*

In our submission, this means that there may well be a ‘sale’ of alcohol for consumption on the premises. The applicant has not applied for this licensable activity.

e) We ask that the applicant specifically confirms whether or not a charge is made for tasting events at Bedford Street, and whether the events are restricted to 'private collectors and connoisseurs'.

5. The Operating Schedule is too vague and does not provide local residents with the information we need in order to assess the likely impact of the application. The Operating Schedule states that 'Condition (sic) consistent with the sister premises situated at 2 Bedford Street WC2 E (sic) 9HD (licence number 15/03758/LIPN) save for condition 9 which should be changed to a maximum capacity of 60 persons in the basement.'

S17(4)(g) Licensing Act requires an applicant to set out in the Operating Schedule a statement of 'the steps which it is proposed to take to promote the licensing objectives'.

This is, no doubt, to enable the responsible authorities and 'other persons' to know what has been applied for.

We had no idea what conditions exist on the Bedford Street licence, and were unaware of how we could find out until we took advice. Other residents who did not take advice would have no idea what were the proposed conditions.

We would question whether the applicant has complied with the requirement at s17(4) (g).

6. Simply referring in the application to a list of conditions on an extraneous document is an approach that would seem to be discouraged by the Guidance issued under s182 Licensing Act 2003. Para 8.39 states that:

'Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- The layout of the local area and physical environment including...proximity to residential premises...
- Any risk posed to the local area by the applicants proposed licensable activities;

Para 8.44 states that:

'Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.'

The nature of Bedford Street is entirely different to Great Portland Street.

Bedford Street is in between The Strand and Covent Garden. It has many restaurants, bars, pubs, theatres and offices in the area surrounding The Whisky Exchange shop. There are large numbers of people walking all day and all evening in this area, and there are big groups of people meeting up to go to the theatre or a restaurant or bar late into the night. This in contrast to the area directly surrounding 90-92 Great Portland Street that is made up of residential flats and retail units. This area is quiet, especially in the evenings. There is no reason for big groups to gather in the area, and no loud noise from lots of people on the street.

## **Conclusion**

Our primary position, and that of the other residents, is that we ask the Licensing Sub-Committee to refuse the application for the reasons set out above.

If however the Sub-Committee are minded to grant a licence, we request that the scope is limited and that robust safeguards are included on the licence to limit the potential for nuisance. These may include:

- Restricting the operation of the licence to a specialist whisky shop of the type described in the application.
- Making it clear that commercial tasting events are not permitted under the scope of the licence.
- If any private pre-booked events are permitted, that they be limited in frequency and timings.
- Restricting the frequency and hours for deliveries, and movement and collections of waste/recycling etc.

Speciality Drinks Limited [GB] | https://www.thewhiskyexchange.com/shop/london/experiences/privatetastings

DELIVERY ACCOUNT £ (GBP) BASKET

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## WHISKY SHOPS

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- > Vinopolis
- ▼ Experiences
  - Whisky Tasting
  - Private Tastings**
  - Fill your own bottle

## PRIVATE TASTINGS

Private tastings are fun and informative, and a great way to spend an evening with friends and colleagues. We offer a range of private tastings at The Whisky Exchange, and can host groups of 8-24 people on Monday and Tuesday evenings at our Bedford Street store. Tastings are run by our in-house experts, start from 7pm, and typically last around 90 minutes, including six samples.

We also create tailor-made events that can be held in house or at a location of your choice. Whisky tastings are the most popular, but we can cover any drinks category you can imagine – including beer, Champagne and fortified wines, as well as spirits. If you need some inspiration, please contact us and talk with our team.


To book an event, please contact us to check availability. We then require a £100 deposit to secure the booking, with the remaining balance payable at least 24 hours before the tasting is due to take place.

### CONTACT US

+44 (0)20 7100 0088  
tastings@thewhiskyexchange.com

Alternatively, drop by our Covent Garden shop to discuss with a member of our team:

2 Bedford St  
Covent Garden  
London WC2E 9HH



## Tasting event enquiry

Tastings & Events Team <tastings@thewhiskyexchange.com>

16 August 2017 at 17:19

Thank you for your email and sorry for the late response.

I assume you would like to organise a tasting here at our shop in Covent Garden right?

In this case we can organise it for 20 people in late September and weekends are not a problem, although consider that we do these tastings after closing the shop, so the tasting will take place at 8:30pm and carry on for about 90 minutes.

Please find a file attached with our prices and options for the tasting.

Let us know if you have any further question.

Best regards,

Diego

### Tastings & Events Team

#### The Whisky Exchange

2 Bedford Street  
Covent Garden  
London WC2E 9HH

[tastings@thewhiskyexchange.com](mailto:tastings@thewhiskyexchange.com)

Tel: +44 (0)20 7100 0088

[www.thewhiskyexchange.com](http://www.thewhiskyexchange.com)

#### Opening Hours

Mon - Tue: 10:30am – 7:00pm  
Wed - Fri: 10:30am – 8:00pm  
Sat: 10am – 8pm  
Sun: 12pm – 6pm

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8/31/2017

Gmail - Tasting event enquiry



WINNER  
eCommerce  
awards  
2016  
A WINNER BY UNFOSL



DIGITAL  
ENTREPRENEUR  
AWARDS  
2015 WINNER



---

From: [REDACTED]  
Sent: 15 August 2017 15:36  
To: Tastings & Events Team  
Subject: Tasting event enquiry

Hi,

I want to organise a whisky tasting event for my husband's 40th birthday for around 20 people.

What availability do you have in late September? Ideally during a weekend.


How much does it cost per person?

When do you need to know final numbers by?

Thank you for your help,

Suzanne

---

 Private Tasting Pricelist.docx  
1025K



## Fwd: Whiskey Tasting Event

Begin forwarded message:

From: "The Whisky Exchange Shop (Covent Garden)"  
<[coventgarden@thewhiskyexchange.com](mailto:coventgarden@thewhiskyexchange.com)>  
Date: 11 August 2017 at 17:13:26 BST  
To: [REDACTED]  
Subject: RE: Whiskey Tasting Event

Dear [REDACTED]

Thank you for your enquiry.

At our Covent Garden store we have a capacity of 24 for private tastings. However for larger events we can host tastings at nearby venues. For a group size of 45 we would use a private room in Brown's Restaurant on St Martin's Lane:  
<http://www.browns-restaurants.co.uk/restaurants/london/covent-garden/functions>

Did you have a specific date or day of the week in mind?

Tastings in our Covent Garden are currently available at 7:30pm on Mon/Tue and 8:30pm Weds to Sat, and start from £35 per person and are all inclusive. At Brown's, the timings can be more flexible but are subject to a room being available as well as room and glass hire for the event.

For both options a whisky tasting would include 6 different samples and usually last around 90min, led by one of our knowledgeable in-house experts.

Kind regards,

Chris

--

The Whisky Exchange Shop (Covent Garden)

The Whisky Exchange  
2 Bedford Street  
Covent Garden  
London WC2E 9HH

Opening Hours  
Mon - Tue: 10:30am - 7:00pm  
Wed - Fri: 10:30am - 8:00pm  
Sat: 10am - 8pm  
Sun: 12pm - 6pm

[coventgarden@thewhiskyexchange.com](mailto:coventgarden@thewhiskyexchange.com)  
Tel: +44 (0)20 7100 0088  
Direct: +44 (0)20 7100 0088

[www.thewhiskyexchange.com](http://www.thewhiskyexchange.com)

[https://mail.google.com/mail/u/1/?ui=2&ik=524a9ccdf4&jsver=0DnVTktBEFI.en\\_GB.&view=pt&msg=15e3889e6a0d3a33&search=inbox.&dsqt=1&siml=15e3...](https://mail.google.com/mail/u/1/?ui=2&ik=524a9ccdf4&jsver=0DnVTktBEFI.en_GB.&view=pt&msg=15e3889e6a0d3a33&search=inbox.&dsqt=1&siml=15e3...) 1/2

Dear Sirs,

I am enquiring about the possibility of a private whisky tasting event in October. There will be approximately 45 people attending, can you support that number of people?

What dates would be available in October? Also what is the price per head and what's included in the cost? Could food be provided?

Finally what time would this be possible, in the afternoon or the evening and how long can the duration of the event be?

Thank you very much for your time and I hope to hear from you soon.

Yours faithfully,



2 Bedford St, Covent Garden, London WC2E 9HH

## Private Tastings

We offer a range of private tasting options at The Whisky Exchange. We can accommodate groups of 8-24 people on Monday and Tuesday evenings at our Bedford Street store. The events are led by our in-house experts, start from 7pm, and typically last around 90 minutes, including six samples.

We also create tailor-made events that we can conduct in house or at a location of your choice. Whisky tastings are the most popular, but we can cover pretty much any drinks category you can imagine – including beer, Champagne and fortified wines, as well as spirits. If you need some inspiration, simply get in touch with us and a member of our team would be happy to discuss your requirements.

If you'd like to book an event, please contact us to check availability. We then require a £100 deposit to secure the booking, with the remaining balance payable at least 24 hours before the tasting is due to take place.

See overleaf for a list of tasting options and prices.

## External Tasting Events

For external masterclasses, receptions and dinners, prices start at £35 per person, with additional charges for transport and glassware hire. Prices are dependent upon the type of event desired – please contact us for a quote.

Requirements:

- suitable size room with furniture (tables and chairs)
- sufficient catering staff to serve samples (dinners only)

## Contact Us

To make a booking or to discuss a tasting:

Call us: +44 (0)20 7100 0088

Email us: [tastings@thewhiskyexchange.com](mailto:tastings@thewhiskyexchange.com)

Alternatively, you can always drop by our Covent Garden shop to discuss with a member of our team:

2 Bedford St, Covent Garden, London WC2E 9HH.

## Tastings at The Whisky Exchange Covent Garden

All pricing below is quoted per person.

Introduction to Whisky	£35
------------------------	-----

Want to delve into the world of whisky and not sure where to start? This is the tasting for you. A introduction to whisky, ranging covering the most common styles of whisky	
<b>Japan vs Scotland</b>	£45
Recent years have seen Japanese whiskies shoot to fame thanks to a myriad of top awards from the experts. But are they as good as their Caledonian counterparts? Try six whiskies, three from each country and choose your favourite.	
<b>Exceptional Single Malts</b>	£70
The perfect tasting for those interested in aged whiskies, as it will demonstrate the effects of cask type and maturation time on the profile of a whisky. All whiskies tasted will be at least 18 years old, and some much older.	
<b>American Whiskey</b>	£35
Some of the world's most iconic whiskeys hail from North America. You will try a range of different styles, from classic bourbon to spicy rye, while learning how the country's whiskey industry has flourished since Prohibition.	
<b>Rums of the World</b>	£35
Explore the magical world of rum as we take you on a Caribbean contraband cruise. Ranging from unaged white rums through to spiced and barrel-aged variants, there is sure to be something to please everyone.	
<b>World Whiskey</b>	£45
If you fancy a change from the traditional whisky heartlands, this is for you. Travel the world of whisky from Taiwan to India, Australia to Sweden and more.	
<b>World of Agave Spirits</b>	£35
Delve into the untamed world of agave spirits, where you will sample a range of Tequilas and mezcals, from clean and pure joven and blanco styles to refined reposados and aged añejos.	
<b>Cognac vs Armagnac</b>	£40
Few spirits epitomise elegance and class as much as French brandy. Here you will learn the differences between Cognac and Armagnac – the regions, the grape varieties, the distillation methods and even the soil types – and how they affect flavour.	
<b>Champagne Masterclass</b>	£70
Have you always want to learn about Champagne? Here is your chance. Taste through a range of eight different Champagnes with our resident Master of Wine and learn what makes this region so special.	
<b>History of Gin</b>	£35
Discover the mysterious origins of the drink nicknamed 'mother's ruin', from the gin craze of the 18th century through to its modern-day renaissance.	

If you are interested in creating a bespoke tasting line-up, please contact our team.

**Received:**

30<sup>th</sup> July 2017

I am writing to you about a new premises licence application 17/07371/LIPN for 90-92 Great Portland Street, London, W1W 7NT. I am asking that the application be denied, as I believe that The Whisky Exchange would have a significant detrimental effect on the neighbourhood.

I am a leaseholder of Flat. I have lived here for approximately 3 years, and am registered to vote in Westminster. I often work from home, and can see 90-92 Great Portland Street from my window (please see attached photo).

I am concerned about the proposed business and how it will affect our neighbourhood. In

particular, I am worried about the potential sale of alcohol, alcohol tastings, deliveries and rubbish dumping and collections, as well as the long opening hours of 0800 - 2300 (Mon - Sat) and 1000 - 2230 (Sun).

In the initial round of public consultations that led to the premises being designated for retail, I did not contact the council as I believed additional retail space would have a positive impact on the area. I still feel this way for retail in general.

However, the adding of a liquor license is troubling. Firstly because any license could be extended to house a full bar, or perhaps transferred or "sold on" to another proprietor. Obviously this would adversely affect my and our neighbours' quality of life, due to loud noise at anti-social hours.

But even if the application was not passed on in this way, I am still concerned that the intended alcohol tastings at the premises would cause a nuisance. I actually used to lead whisky tastings myself at The Scotch Malt Whisky Society in Farringdon, and I know that they are always loud and rowdy (as they should be), at whatever time of day they are held. They are also popular with stag parties. Further, the capacity of the tastings is 60 people which could easily become very loud even with the best of intentions.

Another issue concerns the rubbish produced collection: Obviously any retail unit will have rubbish collection, however an off-license will have to empty bottles. Emptying bottles into a bottle bank is extremely loud and unpleasant. While it is possible to impose time limits on when this is allowed to occur, in practice such limits will often be ignored and further are unlikely to be enforced without frequent noise complaints, which I (and presumably my neighbours) would prefer not to have to make. This problem is compounded by the need for a bottle bank to be collected (loud noise will occur twice a day), and that there is no back door to the premises where unloading could be more quiet and discreet. Furthermore, bottles are usually thrown out after close of business, which would mean that the loudest noise would happen at the least appropriate hours.

In addition, this part of Great Portland Street becomes very crowded with cars parked on both sides of the streets. When there are blockages, drivers understandably become frustrated and use their horns repeatedly. The addition of delivery trucks would exacerbate this noise. Please see attached for photos that illustrate this point, taken earlier this week. If the licensing were to be restricted to an off-license selling high-quality and specialist alcohol, and therefore if tastings and events were prohibited, this would go a long way to address the above problems with loud patrons and glass bottle disposal.

I appreciate how difficult it must be to balance the needs of local businesses with the needs of residents. However I believe that the licensing would harm our neighbourhood and reduce our quality of life, and are worried that application 17/07371/LIPN will be successful. I therefore ask the license is not granted, and hope that another more resident-friendly business is approved instead.

***Additional Comments following receipt of letter from applicant:***

Further to our correspondence last week, I am writing to raise my objections to license application 17/07371/LIPN-90-92 by the Whisky Exchange for the retail unit 90-92 Great Portland Street, as I am unable to attend the Licensing hearing. As I mentioned previously, I believe that the Whisky Exchange would be a public nuisance to residents, and further that

they have behaved dishonestly during the application process.

Although central, our street is actually much quieter than one might think during weekends and evenings. The shops that are here are nice to have around and are always respectful to the residents, including many families. I believe that similar retail units would also have a positive effect on the area, but that The Whisky Exchange does not fit this description.

The applicant responded to the objections raised by residents on 9th August 2017 through their licensing agent Paul Twyman at PDS Licensing (attached). This document (referred to herein as "The Response") contains several false statements, particularly regarding the central issue of paid tasting events, which I will detail below.

### **Paid Tastings**

On August 15th my wife, Agata Duda, emailed the Covent Garden branch of the Whisky Exchange (using a pseudonym "Suzanne" to ensure the business' response would not be affected by this licensing application) to enquire about a tasting (the email chain is attached). The reply to her email show that many of The Response's statements are not true, specifically:

1. The Response makes reference to "promotional" tasting events. However, the reply (from "[tastings@thewhiskyexhcange.com](mailto:tastings@thewhiskyexhcange.com)") given to my wife's email to the Covent Garden branch included a price list (also attached), demonstrating that these events are still paid tasting events.
2. The Response states that attendance of the tastings "is by invitation only", and that invitees are restricted to "a large data base of established clientele" however my wife's enquiry shows both statements to be false, as The Whisky Exchange neither invited "Suzanne" nor have her included in any database, as she does not exist!
3. The Response states that the "number of persons invited to such promotional events is restricted to 30", but the capacity of the room intended to be used for paid tastings is 60, and the reference provided by Brown's Bar & Brasserie states that the events "usually had 40 -60 people attending" at their events.
4. The Response states that paid tastings are "usually completed by 9.00 pm latest". However, the reply to my wife's email states that "we do these tastings after closing the shop, so the tasting will take place at 8:30pm and carry on for about 90 minutes", i.e. finishing at 10pm, not 9pm.

It is important to note that 60 people leaving a tasting event at 10pm are bound to cause high noise levels, even with the best of intentions. That this is not proposed to be a one-off, but instead to occur 2-3 times a month (according to The Response) amplifies my concern.

The Response makes comparison to the license granted to the Whisky Exchange's Covent Garden branch, which is located by The Strand (i.e. not a residential area and therefore not relevant to the suitability of the Whisky Exchange in Great Portland Street). It is also worth noting that the conditions attached to the Covent Garden license, oddly provided by The Response in support of the application, explicitly state that alcohol "shall not be consumed on the premises".

Even if no money was received for tastings, they would still result in many customers on the street at anti-social hours. This would not occur if the unit was used for non-alcoholic retail, or even for a regular off-license. The Response's statement that The Whisky Exchange "does

not in any way or description fall into the category of a bar” is disingenuous. I think any fair appraisal of ticketed events that charge for alcohol to be consumed on the premises would require an “on” license. Unfortunately, I do not believe that they can be trusted to abide by the terms of their license when a cursory look has revealed they have shown significant dishonesty in merely applying for it. Whether or not there was deliberate deception is ultimately irrelevant, it is clear that the premises are intended to be used for purposes other than what has been applied for.

I note that The Whisky Exchange have received a positive reference from Brown’s Bar & Brasserie (attached). We are not arguing that The Whisky Exchange would be worse than other bars (I don’t believe that they would) - we are arguing that they intend to operate paid tastings that would cause substantial noise and public nuisance where another retail establishment would not, and so unfortunately this positive reference does not reassure me.

### **Other Concerns**

The Response’s explanation that the opening hours applied for “do not necessarily represent the proposed daily trading hours” effectively asks residents to take on trust that the opening hours would not be at anti-social times. Unfortunately, and particularly in light of The Response’s false statements, the applicant has not earned such trust and indeed it seems more likely that long opening hours have been applied for to host paid tasting events.

I remain worried that any license granted could be “sold-on” to another bar. In fairness, The Response does not dispute this and confirms that this may be intended and that restricting the license to be personal and to the applicant only would “restrict the sale of the business upon the applicant’s retirement”.

The final issue is with disingenuous phrasing in The Response, which states that “it is extremely important to the applicant, as a family business, to become a vibrant part of the local community that contributes positively to its growth”. The term “family business” aims to convey a small business, however they then mention that they will have £725k in costs next year, so it is more accurate to describe The Whisky Exchange as a large business. Given that the letter does not adequately or honestly address concerns regarding paid tastings, this wording feels hollow and quite manipulative, both to residents and the council.

It is unfortunate to have had to make these objections to the council. I would like to say again that I am in favor of 90-92 Great Portland Street being used for retail. I believe that such a use could enrich and contribute to the street and surrounding area, and indeed this is why I made no objections during the initial round of public consultations. However The Whisky Exchange’s proposed use for the retail unit does have significant overlap with that of a bar, and therefore I remain opposed to the license being granted.



Daniel Laydon <dlaydon@gmail.com>

**Fwd: Tasting event enquiry**

[Redacted]

Dear [Redacted]

Please see attached for a price list for tasting events at the Covent Garden Whisky Exchange shop.

Please also note the start date for tastings is quoted as "after the shop closes" and starting at 830pm (and not 730pm as in the letter from the applicant's representative) therefore they will finish at 10pm.

Best regards,

[Redacted]

----- Forwarded message -----

[Redacted]

----- Forwarded message -----

[Redacted]

Dear [Redacted]

Thank you for your email and sorry for the late response.

I assume you would like to organise a tasting here at our shop in Covent Garden right?

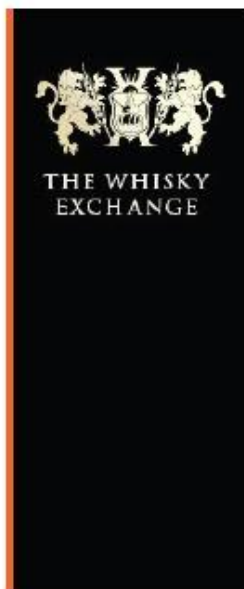
In this case we can organise it for 20 people in late September and weekends are not a problem, although consider that we do these tastings after closing the shop, so the tasting will take place at 8:30pm and carry on for about 90 minutes.

Please find a file attached with our prices and options for the tasting.

Let us know if you have any further question.

Best regards,

Diego



**Tastings & Events Team**

**The Whisky Exchange**  
 2 Bedford Street  
 Covent Garden  
 London WC2E 9HH

[tastings@thewhiskyexchange.com](mailto:tastings@thewhiskyexchange.com)  
 Tel: +44 (0)20 7100 0088

[www.thewhiskyexchange.com](http://www.thewhiskyexchange.com)

**Opening Hours**

Mon - Tue: 10:30am – 7:00pm  
 Wed - Fri: 10:30am – 8:00pm  
 Sat: 10am – 8pm  
 Sun: 12pm – 6pm

**Find us on**

[Facebook](#) | [Twitter](#) | [LinkedIn](#)



[Redacted]

**Sent:** 15 August 2017 15:36  
**To:** Tastings & Events Team  
**Subject:** Tasting event enquiry

Hi,

I want to organise a whisky tasting event for my husband's 40th birthday for around 20 people.

What availability do you have in late September? Ideally during a weekend.

How much does it cost per person?

When do you need to know final numbers by?

Thank you for your help,

[Redacted]

Private Tasting Pricelist.docx  
 1025K





2 Bedford St, Covent Garden, London WC2E 9HH

## Private Tastings

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If you'd like to book an event, please contact us to check availability. We then require a £100 deposit to secure the booking, with the remaining balance payable at least 24 hours before the tasting is due to take place. See overleaf for a list of tasting options and prices.

## External Tasting Events

For external masterclasses, receptions and dinners, prices start at £35 per person, with additional charges for transport and glassware hire. Prices are dependent upon the type of event desired – please contact us for a quote.

Requirements:

- suitable size room with furniture (tables and chairs)
- sufficient catering staff to serve samples (dinners only)

## Contact Us

To make a booking or to discuss a tasting:

Call us: +44 (0)20 7100 0088

Email us: [tastings@thewhiskyexchange.com](mailto:tastings@thewhiskyexchange.com)

Alternatively, you can always drop by our Covent Garden shop to discuss with a member of our team:

2 Bedford St, Covent Garden, London WC2E 9HH.

## Tastings at The Whisky Exchange Covent Garden

All pricing below is quoted per person.

<b>Introduction to Whisky</b>
Want to delve into the world of whisky and not sure where to start? This is the tasting for you. A introduction to whisky, ranging
<b>Japan vs Scotland</b>
Recent years have seen Japanese whiskies shoot to fame thanks to a myriad of top awards from the experts. But are they as good
<b>Exceptional Single Malts</b>
The perfect tasting for those interested in aged whiskies, as it will demonstrate the effects of cask type and maturation time on th
<b>American Whiskey</b>

Some of the world's most iconic whiskeys hail from North America. You will try a range of different styles, from classic bourbon to spic	
<b>Rums of the World</b>	
Explore the magical world of rum as we take you on a Caribbean contraband cruise. Ranging from unaged white rums through to spice	
<b>World Whiskey</b>	
If you fancy a change from the traditional whisky heartlands, this is for you. Travel the world of whisky from Taiwan to India, Australia	
<b>World of Agave Spirits</b>	
Delve into the untamed world of agave spirits, where you will sample a range of Tequilas and mezcals, from clean and pure joven and b	
<b>Cognac vs Armagnac</b>	
Few spirits epitomise elegance and class as much as French brandy. Here you will learn the differences between Cognac and Armagnac flavour.	
<b>Champagne Masterclass</b>	
Have you always want to learn about Champagne? Here is your chance. Taste through a range of eight different Champagnes with our	
<b>History of Gin</b>	
Discover the mysterious origins of the drink nicknamed 'mother's ruin', from the gin craze of the 18th century through to its modern-d	

If you are interested in creating a bespoke tasting line-up, please contact our team.

**Received:**

30<sup>th</sup> July 2017

I am writing to raise objection to the licence application to Westminster Council by the spirits retailer, the Whisky Exchange. I own two of the flats in the building at No. 89 Great Portland Street which is directly opposite the commercial unit and am writing on behalf of myself and my tenants.

The commercial operation will cause a lot of disruption to that part of Great Portland Street, which already has many eating and drinking establishments in close proximity to No.89. It is very likely to create noise at anti social times of the day and night for all residents and will impact significantly on myself and my tenants.

The opening hours are too long. There can be no reasonable need for anyone to buy alcohol at 8am. The congestion and noise from additional deliveries and rubbish collections will cause further unacceptable disruption for the residents.

I am also concerned about the tastings that are being offered at the unit. We have several homeless people sleeping in the area who have been known to get drunk and act in an intimidating manner. How can the owner reassure residents that they will be able to deal with any anti-social behaviour issues that may arise from these tasting sessions.

There are plenty of other places along Great Portland Street where alcohol is available and it seems wholly unnecessary to have another one which could potentially have a negative

impact on the Fitzrovia area, which is becoming increasingly residential.

**Received:**

29<sup>th</sup> July 2017

As the owner of Flat. I strongly object to the licence application by the Whisky Exchange at 90-92 Great Portland Street. If the licence is granted I would like the following conditions enforced:

To restrict the licence to the applicant only so that it can only be used for the business as described in the application, and not transferred to another business. That is, the licence cannot be "sold on" to another alcohol retailer.

To restrict deliveries and disposal of rubbish and recycling to within 9.00 - 20.00 (Monday - Friday) 10.00-20.00 (Sat) and 12.00-18.00 (Sun) . That is, all deliveries must arrive and leave within the stated hours. The reason for this is protect residents amenity and so they do not suffer noise nuisance from deliveries or disposal of rubbish and recycling.

Tastings are limited to 12.00-18.00 (Mon- Sun). Any tastings outside of these hours the licence is to be revoked.

### 3. Policy & Guidance

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

**Policy HRS1 applies**

- (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.
- (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.

**Policy OS1 applies:**

Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

## 4. Appendices

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

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	3 <sup>rd</sup> July 2017
<b>5</b>	Representation – Environmental Health	31 <sup>st</sup> July 2017
<b>6</b>	Representation – Met Police	11 <sup>th</sup> July 2017
<b>7</b>	Representation – Resident	31 <sup>st</sup> July 2017
<b>8</b>	Representation - Resident	18 <sup>th</sup> July 2017
<b>9</b>	Representation - Resident	25 <sup>th</sup> July 2017
<b>10</b>	Representation – Resident	25 <sup>th</sup> July 2017
<b>11</b>	Representation - Resident	22 <sup>nd</sup> July 2017
<b>12</b>	Representation - Resident	26 <sup>th</sup> July 2017
<b>13</b>	Representation - Resident	26 <sup>th</sup> July 2017
<b>14</b>	Representation - Resident	26 <sup>th</sup> July 2017
<b>15</b>	Representation - Resident	28 <sup>th</sup> July 2017
<b>16</b>	Representation - Resident	31 <sup>st</sup> July 2017
<b>17</b>	Representation - Resident	30 <sup>th</sup> July 2017
<b>18</b>	Representation - Resident	30 <sup>th</sup> July 2017
<b>19</b>	Representation - Resident	29 <sup>th</sup> July 2017

**Applicant Supporting Documents**



TO WHOM IT MAY CONCERN

**RE: THE WHISKY EXCHANGE**

**90 – 92 GREAT PORTLAND STREET W1W 7NT**

**LICENSING AUTHORITY REFERENCE 17 / 07371 / LIPN**

I write in the capacity of authorised Licensing Agent on behalf of the applicant in this matter Mr. Rajbir Singh Sawhney.

A copy of the representations received by the Licensing Authority have been forwarded to me following the expiry of the statutory consultation period, namely 31 July 2017.

The applicant and I have studied the representations received and the purpose of this letter is to address the points of concern raised and to explain the nature of the business that is proposed for the Great Portland Street branch.

The current position with regard to the premises is that the applicant has entered into an agreement to take a lease from Great Portland Estates subject to the grant of a Premises Licence from Westminster Council.

The premises **is not** subject to any change of use in planning terms and will remain within Use Class A1 Retail. You may be aware that Public Houses, Wine Bars and the like require an A4 Use Class and Restaurants require an A3 Use Class with A5 Use Class if it involves hot food take away facilities. As the proposal is for a specialist market retail outlet, as an addition to the applicant's sister premises in Covent Garden, it does not in any way or description fall into the category of a bar.

As discussed with the responsible authorities during the application process, it is most certainly worth while taking a look at the Covent Garden store website (google The Whisky Exchange Covent Garden) which I think some of those making representations have done, or maybe take a trip to the store where you will be made very welcome.

I cannot emphasise enough the quality of the proposed operation at Great Portland Street and you may be interested in some figures to explain what the year one set up / running costs will be.



(2)

Rent and service charge £130,000 per annum. Business rate in the region of £40,000 per annum. Insurances £5,000 per annum. Staff costs £150,000 per annum and the re-fit of the shop unit will be somewhere in the region of £400,000, all totalling some £725,000.

From these figures alone it will be clear that this is not a standard off licence, but rather a specialist store dealing with the retail supply of premium merchandise.

Those who have studied the application will note that conditions for the new licence should be consistent with those on the licence to the Covent Garden store, save for the capacity of the basement level. To explain the capacity issue of the basement – this is a matter for the safety officer of the Council in conjunction with Environmental Health officers to agree and is purely a public safety matter and is based upon the floor area provided and the means of escape from the basement to the ground floor.

The capacity of the basement at Covent Garden is restricted to 50 persons at any one time based on the means of escape facility alone.

The basement at Great Portland Street is larger and has a much better means of escape which should cater for a maximum of 60 persons (customers) maximum at any one time. This will not at any time be used as a bar open to the public, but for retail sales or promotional tasting events (which are dealt with in detail below).

Moving onto the details of the representations received.

*Deliveries of goods to the premises.* It has to be said that any retail outlet trading from this site will need to have goods delivered and, while it is fully appreciated that this may cause traffic interference, there really is nothing that can be done to relieve this problem, – part of daily life for any trader in the West End.

To elaborate on this, The Whisky Exchange is a trading name of a larger group and all deliveries to this new store will be made from the head office premises in Park Royal or a secondary distribution depot in Essex. It is anticipated that there would normally be three deliveries per week to this store (as so in Covent Garden) perhaps increasing to four per week during the busy festive season. These deliveries are normally completed between 08.00 hours and 11.00 hours. So, in short, we do not have a situation where courier drivers are coming and going at all times of the day.

*Collection of refuse and re cycling material.* There is already an agreed condition to be imposed in this regard on this new licence. Furthermore, once deliveries have been completed all packaging and recycling material is returned to the head office or distribution centre. There will not be a situation, as you often encounter with Public Houses and Restaurants, where bottles are disposed of late at night causing a noise nuisance to the local residents.

With reference to the comments made with regard to the applicant being an individual as opposed to the company. There is a very simple answer to this – over



(3)

the years acting for licensees, there have been many occasions where licenses have technically lapsed due to third parties, normally accountants, not filing company papers on time or incorrectly and it is for this reason alone I would always recommend that the Premises Licence is held by an individual and not the company.

You may also be interested to learn that the Premises Licence on the Covent Garden store was granted on this basis by Westminster Council.

*Opening hours.* As explained to the Environmental Health officer, the hours applied for do not necessarily represent the proposed daily trading hours. The hours applied for are simply to cover the applicant for particularly busy times where they may wish to stay open for longer periods thus keeping the sale of alcohol products lawful. There are also occasions where overseas customers may wish to visit the store by prior appointment which may be outside of the normal shop opening hours, again the hours applied for would cover this scenario. Finally, on this subject, the longer hours on the licence would relieve the applicant of the inconvenience of applying for TENS (temporary event notices) for any extended hours needed over and above the normal daily trading hours.

The next matter I would like to address is the 'Tasting Events' that some of you have mentioned. From the outset, I need to make it very clear to everyone who has mentioned this in their representations how the tasting events are operated. These events are run only two or three times a month – dependent upon what new products are being marketed at any given time. They are ticketed events and the number of persons invited to such promotional events is 30, these people come from a large data base of established clientele. Those who attend such events range from trade / corporate purchasers, restaurateurs, publicans, private collectors and connoisseurs. These events normally start early evening and are usually completed by 21.00 hours latest. The samples provided for these events are dispensed in 1cl measures, which is less than half of a standard measure sold in a public house. Ample drinking water is also provided. These events would not be open to the 'stag / hen party goers' as mentioned in one of the representations; attendance is by invitation only. These events will be held in the basement and are sit down tutored tastings and not loud.

The content of some of the representations received have suggested that there be a condition added to the licence that the licence should be personal to the applicant only so that the business cannot be sold on to another alcohol retailer.

Such a condition would be overly restrictive to the applicant and cannot be accepted. The applicant and his family have worked extremely hard over the years and invested heavily to develop an extremely successful business and such a condition would, in effect, restrict the applicant from moving the Whisky Exchange to a different trading name within the group and, looking to the future, restrict the sale of the business upon the applicant's retirement.

(4)

For the avoidance of doubt, and hopefully to put those who have made representations at ease, these are the conditions attached to the Covent Garden Licence.

**Annex 2 – Conditions consistent with the operating Schedule**

6. A personal licence holder shall be on the premises during the hours permitted to supply alcohol.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
8. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders sold in glass bottles.
9. The maximum number of persons permitted in the basement of the premises (including staff) shall not exceed 50 persons.
10. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
16. 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.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to



(5)

the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

19. 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 are open.

Only condition 9 (capacity of the basement) may be changed to 60 persons.

With regard to Great Portland Street, the following conditions have been agreed with the Metropolitan Police:

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.

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

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) any faults in the CCTV system,
- (f) any visit by a relevant authority or emergency service.

(6)

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.

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

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

Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

To close, given the detailed information provided herein, I would invite you to reconsider your representation.

Any persons that may seek further clarification on any of the matters contained in this letter are welcome to contact me directly, either by email ([paultwyman@aol.com](mailto:paultwyman@aol.com)) or by telephone on 07976 510827.

Alternatively you can liaise via the licensing authority (Miss Heidi Lawrance- email; [hlawrance@westminster.gov.uk](mailto:hlawrance@westminster.gov.uk).)

Thank you for your time and I look forward to hearing from you further.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paul Twyman', with a long, sweeping flourish extending to the right.

Paul Twyman MBII

8 August 2017

**Rajbir S Sawhney**

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**Subject:** FW: Reference

**From:** Paton, Lorraine (MAB) [REDACTED]  
**Sent:** 07 August 2017 13:31  
**To:** Leonora Mellish [REDACTED]  
**Subject:** Reference

Hi Leonora,

As requested please see below your reference from us.

*We have worked with The Whisky Exchange on a monthly basis for almost two years as a venue to host their paid customer tastings. These events have usually had 40 -60 people attending and the format is always educational and professional, helping customers to learn more about their products in a responsible way. Their customers are keen spirits connoisseurs, looking to discover and expand their drinks knowledge.*

*The customers that The Whisky Exchange have bought into our establishment have been well-behaved and to date we have had no issues. The events go on no longer than 9pm and the customers have left by 9.30pm. It's been a pleasure working with The Whisky Exchange and we look forward to continue working with them in the future.*

Kindest Regards,  
Lorraine

Lorraine [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [ant-garden](#)



Conferences | Summer Parties | Christmas | Meetings | Canape Receptions | Wedding Ceremonies | Private Dining | Leaving Parties | Wine tasting | Murder Mystery Dinners | Baby showers | Networking events

\*\*\*\*\*  
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**Premises History**

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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.
- 5(iii). Where the permitted price given by Paragraph 5(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.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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**

6. A personal licence holder shall be on the premises during the hours permitted to supply alcohol.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
8. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders sold in glass bottles.
9. The maximum number of persons permitted in the basement of the premises (including staff) shall not exceed 50 persons.
10. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
16. 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.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be

made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
19. 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 are open.

### **Conditions proposed by the Police**

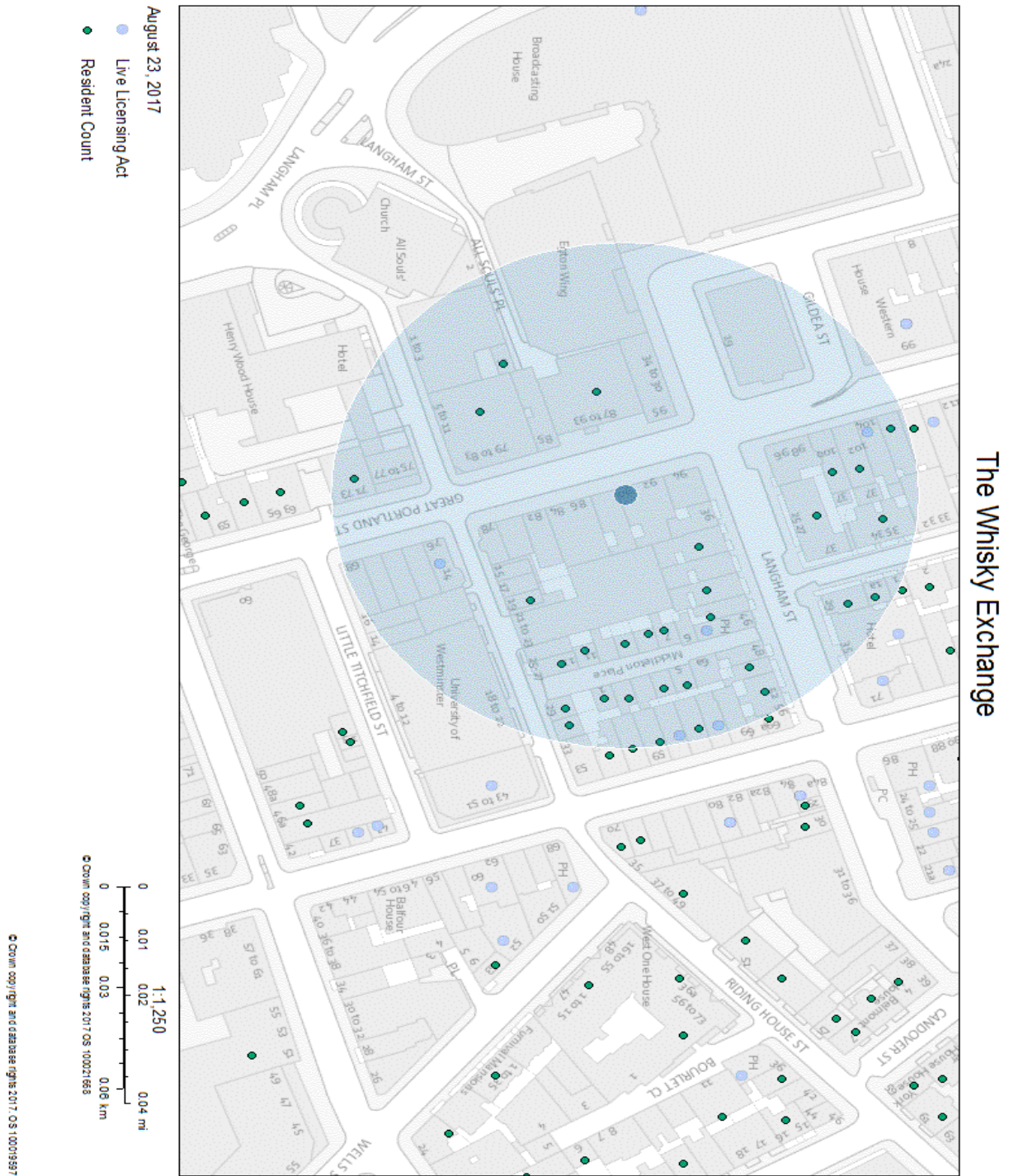
20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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.
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
22. 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) any faults in the CCTV system,
  - (f) any visit by a relevant authority or emergency service.
23. 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.
24. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

25. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
26. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
27. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

**Conditions proposed by the Environmental Health**

28. The number of persons permitted in the basement part of the premises at any one time shall not exceed (X) persons. *(to be confirmed on completion of works condition but shall in any case not be more than 60 persons)*
29. 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.

**Residential Map and List of Premises in the Vicinity**



Resident Count: 188





City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 2

Item No:	
Date:	7 September 2017
Licensing Ref No:	17/07395/LIPV - Premises Licence Variation
Title of Report:	Green Man Public House 57 Berwick Street London W1F 8SR
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 Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	5 July 2017		
<b>Applicant:</b>	Mitchells And Butlers Leisure Retail Ltd		
<b>Premises:</b>	Green Man Public House		
<b>Premises address:</b>	57 Berwick Street London W1F 8SR	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	Yes
<b>Premises description:</b>	The premises operates as a public house.		
<b>Variation description:</b>	<p>According to the application, the applicant is seeking to:</p> <ol style="list-style-type: none"> <li>To vary the sale of alcohol on Sunday (to include Sunday immediately prior to a bank holiday) to commence at 10.00 hours.</li> </ol> <p><b>Current commencement time: 12:00</b></p> <ol style="list-style-type: none"> <li>To amend Condition 22 C &amp; D under Annex 3 to reflect the hours on Sundays to be from 10.00 hours.</li> </ol>		
<b>Premises licence history:</b>	The premises currently benefits from a premises licence (Appendix 2)		
<b>Applicant submissions:</b>	See Appendix 1		
<b>Plans</b>	Copies of the premises plans are available on request and for display at the hearing.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of Dance, Exhibition of films, Indoor Sporting Event, Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	No change		Ground Floor	No Change
<b>Tuesday</b>	10:00	23:30			Ground Floor	
<b>Wednesday</b>	10:00	23:30			Ground Floor	
<b>Thursday</b>	10:00	01:00			Ground Floor	

<b>Friday</b>	10:00	01:00		Ground Floor Ground Floor	
<b>Saturday</b>	10:00	01:00		Ground Floor	
<b>Sunday</b>	12:00	22:30		Ground Floor	
<b>Sundays before Bank Holidays</b>	12:00	00:00		Ground Floor	
<b>Non-standard timings:</b>	<b>Current:</b> On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).			<b>Proposed:</b> No Change	

<b>Playing of Recorded Music, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	Unrestricted	Unrestricted	No change		Ground Floor	No Change
<b>Tuesday</b>	Unrestricted	Unrestricted			Ground Floor	
<b>Wednesday</b>	Unrestricted	Unrestricted			Ground Floor	
<b>Thursday</b>	Unrestricted	Unrestricted			Ground Floor	
<b>Friday</b>	Unrestricted	Unrestricted			Ground Floor	
<b>Saturday</b>	Unrestricted	Unrestricted			Ground Floor	
<b>Sunday</b>	Unrestricted	Unrestricted			Ground Floor	
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).			<b>Proposed:</b> No Change		

<b>Late night refreshment</b>
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Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Ground Floor	No Change
Tuesday	23:00	23:30			Ground Floor	
Wednesday	23:00	23:30			Ground Floor	
Thursday	23:00	01:00			Ground Floor	
Friday	23:00	01:00			Ground Floor	
Saturday	23:00	01:00			Ground Floor	
Sunday					Ground Floor	
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b> The terminal hour for Late Night Refreshment on New Year's Eve is extended to 05:00 on New Year's Day			<b>Proposed:</b> No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		Ground Floor	No Change
Tuesday	10:00	23:30			Ground Floor	
Wednesday	10:00	23:30			Ground Floor	
Thursday	10:00	01:00			Ground Floor	
Friday	10:00	01:00			Ground Floor	
Saturday	10:00	01:00			Ground Floor	
Sunday	12:00	22:30			10:00	
Sunday before Bank Holiday	12:00	00:00	10:00	00:00	Ground Floor	
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b> On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).			<b>Proposed:</b> Bank holiday Sundays to commence at 10.00 hours until 00.00 hours.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:

<b>Monday</b>	07:00	23:30	No Change	Ground Floor	No Change
<b>Tuesday</b>	07:00	23:30		Ground Floor	
<b>Wednesday</b>	07:00	23:30		Ground Floor	
<b>Thursday</b>	07:00	01:30		Ground Floor	
<b>Friday</b>	07:00	01:30		Ground Floor	
<b>Saturday</b>	07:00	01:30		Ground Floor	
<b>Sunday</b>	07:00	22:50		Ground Floor	
<b>Sundays before Bank Holidays</b>	07:00	00:00		Ground Floor	

<b>1-C Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
<b>Condition 22 C &amp; D</b>  (c) Sundays, 12:00 noon to 22:30 (d) Sundays immediately prior to a Bank Holiday, 12:00 to 00:00	<b>Condition 22 C</b>  To vary the sale of alcohol on Sundays to commence at 10:00 hours  <b>Condition 22 D</b>  To vary the sale of alcohol on Sunday immediately prior to a bank holiday to commence at 10.00 hours.

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	The Metropolitan Police
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	31 <sup>st</sup> July 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p>	

<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	27 <sup>th</sup> July 2017
<p>I write in relation to the application submitted for a variation of a Premises Licence for the following premises –</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> </ul> <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The applicants seek to sell alcohol beyond core hours as stipulated in the Westminster Statement of Licensing Policy. We are concerned that this will allow people, albeit with food, to purchase and consume alcohol earlier in the day. Sunday is acknowledge in the Policy as a day when residents are entitled to have reduced impact from licenced premises.</p> <p>We look forward to seeing from the applicant why the application should be granted against the policy points listed above.</p> <p>Please accept this a formal objection.</p>	
<b>Responsible Authority:</b>	The Environmental Health Service (Withdrawn)
<b>Representative:</b>	Ian Watson
<b>Received:</b>	2 <sup>nd</sup> August 2017
<p>I refer to the application for a variation of the Premises Licence.</p> <p><b>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster’s Statement of Licensing Policy.</b></p>	



This representation is based on the operating schedule submitted.

The applicant is seeking the following

1. To extend the Supply of Alcohol 'On' the Sunday between 10.00 and 12.00 hours ancillary to food.
2. Amend condition 22 c and d to reflect the new hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
2. No objection.

The representation from Environmental Health is withdrawn as they are content with the condition proposed by the applicant for the proposed early operational hours on a Sunday being **'The sale of alcohol on Sunday between the hours of 10.00 and 12.00 and shall be for consumption "On" the premises only, and shall be ancillary to substantial food'**.

### 3. Policy & Guidance

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

Policy CIA1 applies:	(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.  (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.
Policy HRS1 applies:	(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.

Policy PB2 applies:	<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> <p>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.</p>
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#### 4. Appendices

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

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@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	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	The Application Form	5 <sup>th</sup> July 2017
<b>5</b>	Representation- The Environmental Health Service	2 <sup>nd</sup> August 2017
<b>6</b>	Representation- The Metropolitan Police Service	31 <sup>st</sup> July 2017
<b>7</b>	Representation- The Licensing Authority	27 <sup>th</sup> July 2017

# BREAKFAST



(\*) Meals with Vegetarian ingredients. However some of our preparation and cooking methods include alcohol. If you require more information, please ask your server. All our food is prepared in a kitchen where nuts, cereals, shellfish, gluten and other allergens are present, and our menu descriptions do not include all ingredients. If you have a food allergy or intolerance, please be aware before ordering. Full allergen information for food and drink is available, upon request. All weights stated are approximate uncooked weights. \*\*Unlimited tea or coffee is available until 12 noon and is subject to bar open policy. All items are subject to availability. All prices include VAT at the current rate. Cheques may vary by pub. [ALCOHOL/BEV/11](#)



### EVERYDAY

CHOOSE ANY BURGER AND GET A SELECTED SOFT DRINK FREE

**FROM £6.29**

*Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.*

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### WEEKENDS

CHOOSE ANY SANDWICH, WRAP OR TOASTIE AND GET A SELECTED SOFT DRINK FREE

**FROM £4.49**

*Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Saturday & Sunday.*

---

### WEEKENDS

CHOOSE ANY TWO DISHES MARKED WITH A ☐

**£10.00**

*All day Saturday & Sunday.*

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### TUESDAY

CHOOSE ANY TWO BURGERS

**2 FOR 1**

*All day Tuesday.*

---

### WEDNESDAY

CHOOSE FROM STEAK AND GUINNESS® OR CHICKEN AND MUSHROOM WITH A SELECTED SOFT DRINK FOR £7.29

**£8.29**

*Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Wednesday.*

---

### THURSDAY

CHOOSE ANY SKELET AND GET A SELECTED SOFT DRINK FREE

**FROM £8.79**

*Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Thursday.*

### DESSERTS

NEW LEMON MERINGUE CHEESECAKE (V)	\$4.29
Stuffed with blueberries in season	
STICKY TOFFEE PUDDING (V)	\$3.79
Belgian CHOCOLATE BROWNIE (V)	\$3.79
Chocolate FUDGE CAKE (V)	\$4.49
MARULA ICE CREAM (V)	\$3.29
NEW SALTED CARAMEL DESSERTS (V)	\$3.79
CARAMEL APPLE CRUMBLE (V)	\$3.79

*All our SUNDAY PARLOUR cakes are made with REAL, BARRY ICE CREAM and topped with FLUFFY CREAM.*

### SUNDAY PARLOUR

ALL OUR SUNDAY PARLOUR CAKES ARE MADE WITH REAL, BARRY ICE CREAM AND TOPPED WITH FLUFFY CREAM

CHOCOLATE MELTDOWN (V)	\$4.99
NEW MONKEYS EXPLOSION (V)	\$4.99
MARULA ICE CREAM and salted caramel sauce topped with fluffy cream, salted caramel sauce, 1 x caramel sauce and 1 x marula ice cream	
STRAWBERRY FIELDS (V)	\$4.99
MARULA ICE CREAM and strawberry in season, topped with fluffy cream and 1 x marula ice cream	

### DRINKS CHOICES

Drizzle/Pineapple	Coffee	Softs	Spirits and Mixers	Wine	Hot
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*£1.99 per cup (minimum 100ml). Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Saturday & Sunday.*

# FOOD

**£1.99 per cup (minimum 100ml). Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Saturday & Sunday.**

### LUNCH & A DRINK FROM £4.49

*Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.*

### TOASTIES

NEW CLASSIC (V)	\$3.49
RAM & CHEESE	\$3.49
TOMMY MELT	\$3.49
CHEESE & TOMATO (V)	\$3.49
NEW MAC & CHEESE (V)	\$3.49
Mashed in a toasted Chicken bun with Monterey Jack cheese	
NEW BLUE BERRY MUSHROOM TOASTIE	\$3.49
Tomato, Caramel Apple, and Pineapple with Swiss Cheddar and Mocha Cheese	

### SANDWICHES/WRAPPS & SALADS

NEW CHICKEN CAESAR SALAD	\$4.49
Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.	
NEW CHICKEN CAESAR SALAD	\$4.49
Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.	

### JACKETS

CHEDDAR (V)	\$4.99
CHEDDAR & MUSHROOM (V)	\$4.99
CHEDDAR & SWISS CHEESE (V)	\$4.99

### SHARERS

FOR THOSE WHO WANT A LITTLE MORE, WE'VE GOT YOU COVERED. WE HAVE A LITTLE MORE TO OFFER THAN JUST THE BURGER, WE'VE GOT YOU COVERED WITH A LITTLE MORE TO OFFER THAN JUST THE BURGER.

NEW ULTIMATE SHAKER £10.99  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

NEW LOADED TIGER CHIPS £4.49  
 A dose of inspiration. Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

NEW BLAZED CHICKEN WINGS £12.99  
 12 chicken wings, 6 wings, 12 wings, 12 wings. Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

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### SMALL PLATES

NEW MEDITERRANEAN FISH CHIPS £3.99  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

NEW SPICY CRACKLEBACK PORKINS £4.29  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

NEW TOMATO & BASIL SOUP (V) £3.79  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

**3 FOR £11.00 OR 5 FOR £16.00**

### FRESH FROM THE GRILL

#### SKILLET

OUR 21 DAY CURED PRIME STEAKS ARE expertly GRILLED EXACTLY HOW YOU LIKE. ALL OUR SKILLET DISHES ARE SERVED ON A BED OF SCALLOPING ONIONS.

NEW RIMP £8.99	CLASSIC MIXED GRILL £10.29
Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.	Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.
NEW 10" SKILLET £11.79	NEW 12" SKILLET £12.99
Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.	Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

#### PUB CLASSICS

NEW ULTIMATE ALL DAY BREAKFAST £8.49  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

NEW CHICKEN TIKKA JALFREY £7.99  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

NEW SWEET POTATO & LENTIL DHANSAH (V) £7.29  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

### BURGERS

ALL OUR BURGERS ARE SERVED IN A LIGHTLY TOASTED BUNDECK BUN WITH PICKLED GREENS, LETTUCE, TOMATO, RED ONION AND MAYO, WITH SEASONED CHIPS ON THE SIDE.

NEW ULTIMATE BURGER £10.29  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

NEW TRIPLE STACK £9.29  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

NEW PULLED PORK £5.29  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

NEW FULL HOUSE £10.29  
 Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.

**£10.00 FOR TWO MEALS**

CHOOSE ANY TWO DISHES MARKED WITH A ☐ ALL DAY MONDAY-FRIDAY.

### BURGER DOUBLE UP

**BURGER & A DRINK FROM £6.29**

CHOOSE ANY BURGER & GET A SELECTED SOFT DRINK FREE (UPGRADE TO A SELECTED SOFT DRINK FOR AN EXTRA 1.00)

*Includes one soft drink. Upgrade to a selected soft drink for an extra 1.00. All day Monday-Friday.*





## Appendix 2

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>05/05582/LIPCV</b>	Application for conversion licence	30.08.2006	Granted Under delegated authority
<b>06/05371/WCCMAP</b>	Application for a premises Licence	12.06.2007	Granted Under delegated authority
<b>11/08300/LIPDPS</b>	Application to vary the Designated Premises Supervisor	31.08.2011	Granted Under delegated authority
<b>14/05834/LIPVM</b>	Application for a Minor Variation This application is to vary the opening commencement our to 07:00 Monday to Sunday (no change to existing licensable activity hours) to allow the premises to serve an earlier breakfast.	28.07.2014	Granted Under delegated authority
<b>14/11435/LIPDPS</b>	Application to vary the Designated Premises Supervisor	06.02.2015	Granted Under delegated authority
<b>15/01884/LIPDPS</b>	Application to vary the Designated Premises Supervisor	25.03.2015	Granted Under delegated authority
<b>16/00260/LIPDPS</b>	Application to vary the Designated Premises Supervisor	24.02.2016	Granted Under delegated authority
<b>16/04201/LIPDPS</b>	Application to vary the Designated Premises Supervisor	09.05.2016	Granted Under delegated authority
<b>16/06591/LIPDPS</b>	Application to vary the Designated Premises Supervisor	11.07.2016	Granted Under delegated authority
<b>16/11746/LIPDPS</b>	Application to vary the Designated Premises Supervisor	23.01.2017	Granted Under delegated authority



## Temporary Event Notices

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>
<b>11/08929/LITENP</b>	Temporary Event Notice	Notice Allowed
<b>11/09055/LITENP</b>	Temporary Event Notice	Notice Allowed
<b>11/09072/LITENP</b>	Temporary Event Notice	Notice Allowed
<b>11/09073/LITENP</b>	Temporary Event Notice	Notice Allowed
<b>11/09157/LITENP</b>	Temporary Event Notice	Notice Allowed

**There is no appeal history**

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

When determining a variation application for 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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect.**

**Conditions relating to Regulated Entertainment:**

11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
13. The doors at the front of the premises shall remain closed except for the immediate access and egress of customers and staff.
14. From Thursday to Saturday inclusive the entrance will be supervised from 21:00 by two door supervisors registered with the City Council.
15. The sound limiting device at the premises shall be set and maintained at a level to be decided upon the Environmental Health Officer.
16. Notices shall be provided at the premises requesting patrons to leave quietly. Similar reminders shall be made over the loud speakers and by door supervisors at the door.
17. The licence holder shall use her best endeavours to ensure that customers do not congregate on the public highway outside the premises.
18. All other reasonable requests made by the Environmental Health Officer so as to avoid the emanation of noise shall be complied with.
19. The number of persons accommodated (excluding staff) at the premises shall not exceed 220.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

20. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
  - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.

21. The terminal hour for Late Night Refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Annex 2 – Conditions consistent with the operating Schedule**

None



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

22. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) Monday to Wednesday, 10:00 to 23:30
- (b) Thursday to Saturday 10.00 to 01:00
- (c) Sundays, 12:00 noon to 22:30

#### **The applicant proposes to amend condition 22 (C)**

Sundays, 12:00 noon to 22:30

- (d) Sundays immediately prior to a Bank Holiday, 12:00 to 00:00

#### **The applicant proposes to amend condition 22 (D)**

Sundays immediately prior to a Bank Holiday, 10:00 to 00:00

- (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

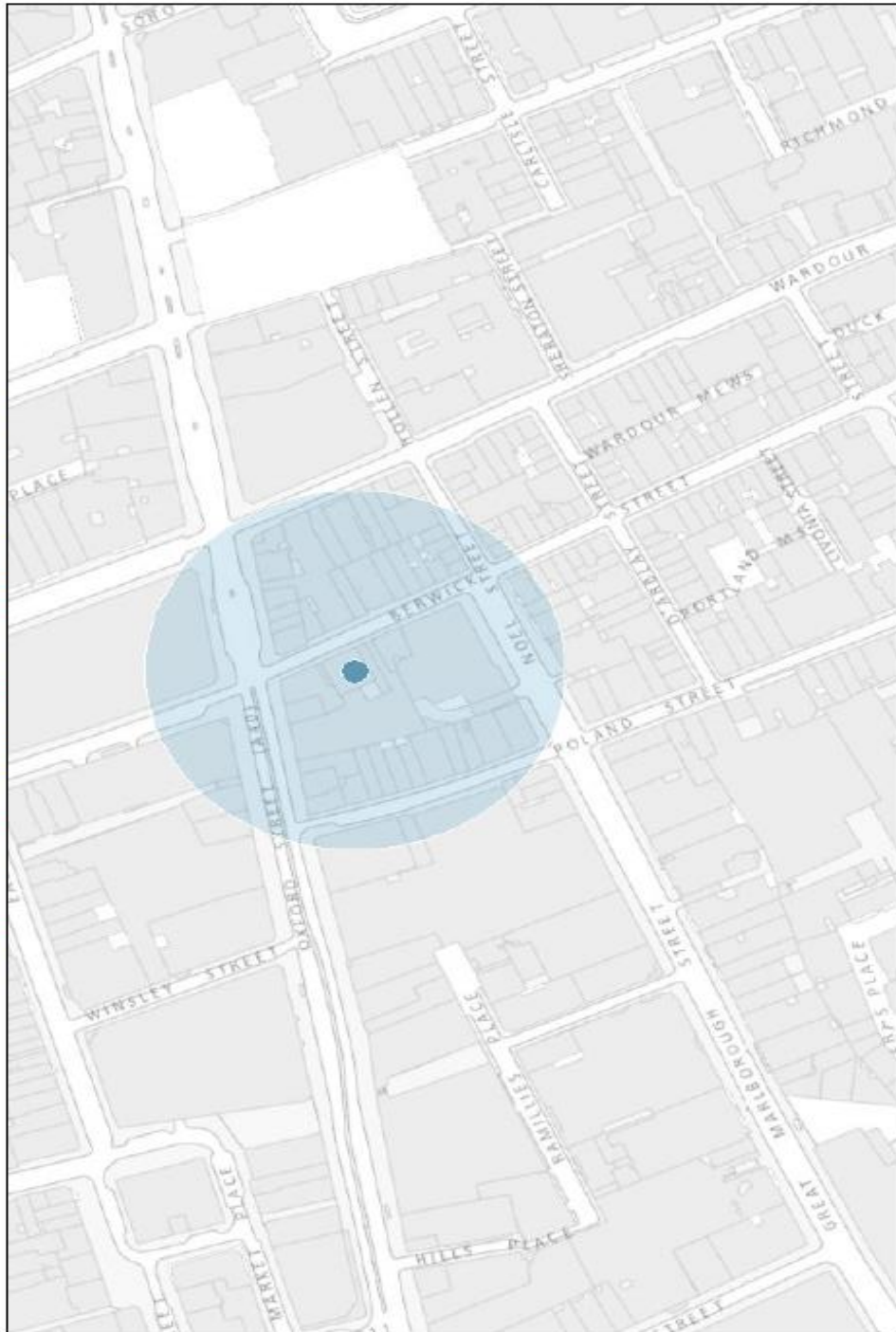
23. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment. For the avoidance of doubt, the ancillary restrictions of alcohol to food and dancing previously in force which have been carried over on conversion of the Special Hours Certificate do not apply during the 'core hours' specified in policy HRS1.
24. All customers should be off the premises by 11:30pm Monday - Wednesday, 1:30am Thursday to Saturday and 10:50pm Sunday (midnight on Sundays immediately prior to Bank Holidays).
25. Credit card sales to be allowed, subject to the proviso that customers are to be presented with an itemised bill.

26. All persons under the age of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 9pm (9:30pm if taking a table meal accompanied by an adult).
27. All other reasonable requests by the Environmental Health Officer so as to avoid the emanation of noise shall be complied with.
28. Performance of live music is limited to not more than two performers.

**Proposed conditions by applicant:**

29. The sale of alcohol on Sunday between the hours of 10.00 and 12.00 and shall be for consumption "On" the premises only, and shall be ancillary to substantial food'. (agreed with EH)

Green Man Public House 57 Berwick Street



August 24, 2017

Resident Count: 43



## City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: West End  
UPRN: 100022726194

Premises licence

Regulation 33, 34

Premises licence number:

16/11746/LIPDPS

Original Reference:

05/05582/LIPCV

### Part 1 – Premises details

#### Postal address of premises:

Green Man Public House  
57 Berwick Street  
London  
W1F 8SR

Telephone Number: 020 7494 9731

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance  
Exhibition of a Film  
Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

##### Performance of Dance

Monday to Wednesday:	10:00 to 23:30
Thursday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

##### Exhibition of a Film

Monday to Wednesday:	10:00 to 23:30
Thursday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00



<b>Indoor Sporting Event</b>	
Monday to Wednesday:	10:00 to 23:30
Thursday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
<b>Performance of Live Music</b>	
Monday to Thursday:	10:00 to 23:30 (subject to condition 28)
Friday to Saturday:	10:00 to 00:00 (subject to condition 28)
Sunday:	12:00 to 22:30 (subject to condition 28)
Sundays before Bank Holidays:	12:00 to 00:00 (subject to condition 28)
<b>Playing of Recorded Music</b>	Unrestricted
<b>Late Night Refreshment</b>	
Monday to Wednesday:	23:00 to 23:30
Thursday to Saturday:	23:00 to 01:00
Sundays before Bank Holidays:	23:00 to 00:00
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	
<b>Sale by Retail of Alcohol</b>	
Monday to Wednesday:	10:00 to 23:30
Thursday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

<b>The opening hours of the premises:</b>	
Monday to Wednesday:	07:00 to 23:30
Thursday to Saturday:	07:00 to 01:30
Sunday:	07:00 to 22:50
Sundays before Bank Holidays:	07:00 to 00:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mitchells and Butlers Leisure Retail Ltd  
27 Fleet Street  
Birmingham  
B3 1JP  
*Electronic Mail : licensing@mbplc.com*  
*Telephone Number : 0870 609 3000*

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

01001181

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

**Name:** Joseph Anthony Concannon

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** 05/06558/LIPERS  
**Licensing Authority:** City Of Westminster Council

**Date:** 23<sup>rd</sup> January 2017

This licence has been authorised by Mr Daniel Ferrer on behalf of the Director - Public Protection and Licensing.



## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect.**

**Conditions relating to Regulated Entertainment:**

- 11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 13. The doors at the front of the premises shall remain closed except for the immediate access and egress of customers and staff.
- 14. From Thursday to Saturday inclusive the entrance will be supervised from 21:00 by two door supervisors registered with the City Council.

15. The sound limiting device at the premises shall be set and maintained at a level to be decided upon the Environmental Health Officer.
16. Notices shall be provided at the premises requesting patrons to leave quietly. Similar reminders shall be made over the loud speakers and by door supervisors at the door.
17. The licence holder shall use her best endeavours to ensure that customers do not congregate on the public highway outside the premises.
18. All other reasonable requests made by the Environmental Health Officer so as to avoid the emanation of noise shall be complied with.
19. The number of persons accommodated (excluding staff) at the premises shall not exceed 220.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

20. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
  - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
21. The terminal hour for Late Night Refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

22. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) Monday to Wednesday, 10:00 to 23:30
- (b) Thursday to Saturday 10.00 to 01:00
- (c) Sundays, 12:00 noon to 22:30
- (d) Sundays immediately prior to a Bank Holiday, 12:00 to 00:00
- (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

23. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment. For the avoidance of doubt, the ancillary restrictions of alcohol to food and dancing previously in force which have been carried over on conversion of the Special Hours Certificate do not apply during the 'core hours' specified in policy HRS1.
24. All customers should be off the premises by 11:30pm Monday - Wednesday, 1:30am Thursday to Saturday and 10:50pm Sunday (midnight on Sundays immediately prior to Bank Holidays).
25. Credit card sales to be allowed, subject to the proviso that customers are to be presented with an itemised bill.
26. All persons under the age of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 9pm (9:30pm if taking a table meal accompanied by an adult).
27. All other reasonable requests by the Environmental Health Officer so as to avoid the emanation of noise shall be complied with.
28. Performance of live music is limited to not more than two performers.



**Annex 4 – Plans**

Attached



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

Schedule 12  
Part B

WARD: West End  
UPRN: 100022726194

Premises licence  
summary

Regulation 33, 34

Premises licence number:

16/11746/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Green Man Public House  
57 Berwick Street  
London  
W1F 8SR

**Telephone Number:** 020 7494 9731

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Wednesday:	10:00 to 23:30
Thursday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Exhibition of a Film**

Monday to Wednesday:	10:00 to 23:30
Thursday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

<b>Indoor Sporting Event</b>	
Monday to Wednesday:	10:00 to 23:30
Thursday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
<b>Performance of Live Music</b>	
Monday to Thursday:	10:00 to 23:30 (subject to condition 28)
Friday to Saturday:	10:00 to 00:00 (subject to condition 28)
Sunday:	12:00 to 22:30 (subject to condition 28)
Sundays before Bank Holidays:	12:00 to 00:00 (subject to condition 28)
<b>Playing of Recorded Music</b>	Unrestricted
<b>Late Night Refreshment</b>	
Monday to Wednesday:	23:00 to 23:30
Thursday to Saturday:	23:00 to 01:00
Sundays before Bank Holidays:	23:00 to 00:00
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	
<b>Sale by Retail of Alcohol</b>	
Monday to Wednesday:	10:00 to 23:30
Thursday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

<b>The opening hours of the premises:</b>	
Monday to Wednesday:	07:00 to 23:30
Thursday to Saturday:	07:00 to 01:30
Sunday:	07:00 to 22:50
Sundays before Bank Holidays:	07:00 to 00:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Mitchells and Butlers Leisure Retail Ltd  
27 Fleet Street  
Birmingham  
B3 1JP

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

01001181

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

**Name:** Joseph Anthony Concannon

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

Restricted

**Date:** 23<sup>rd</sup> January 2017

This licence has been authorised by Mr Daniel Ferrer on behalf of the Director - Public Protection and Licensing.

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City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 3

Item No:	
Date:	7 September 2017
Licensing Ref No:	17/07390/LIPV - Premises Licence Variation
Title of Report:	O'Neill's 37 - 38 Great Marlborough Street London W1F 7JF
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 Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>



## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	5 July 2017		
<b>Applicant:</b>	Mitchells And Butlers Leisure Retail Ltd		
<b>Premises:</b>	O'Neill's		
<b>Premises address:</b>	37 - 38 Great Marlborough Street London W1F 7JF	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	Yes
<b>Premises description:</b>	The premises operate as a public house.		
<b>Variation description:</b>	<p>According to the application, the applicant is seeking to vary the following:</p> <ul style="list-style-type: none"> <li>To vary the sale of alcohol on Sunday (to include Sunday immediately prior to a bank holiday) to commence at 10.00 hours.</li> <li>To amend Condition 11 C &amp; D under Annex 3 to reflect the hours on Sundays to be from 10.00 hours.</li> </ul>		
<b>Premises licence history:</b>	The premises benefits from a premises licence (Appendix 3) of the report		
<b>Applicant submissions:</b>	Appendix see Appendix 1 of the report		
<b>Plan:</b>	Copies of the premises plans are available on request and for display at the hearing.		

1-B Current and proposed licensable activities, areas and hours						
<b>Regulated Entertainment</b>						
<b>Indoor Sporting Event, Performance of live music</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	No change		Ground Floor, Basement	
<b>Tuesday</b>	10:00	23:30			Ground Floor, Basement	
<b>Wednesday</b>	10:00	23:30			Ground Floor,	

			Basement	No Change
<b>Thursday</b>	10:00	23:30	Ground Floor, Basement	
<b>Friday</b>	10:00	00:00	Ground Floor, Basement	
<b>Saturday</b>	10:00	00:00	Ground Floor, Basement	
<b>Sunday</b>	12:00	22:30	Ground Floor, Basement	
<b>Sundays before Bank Holidays</b>	12:00	00:00	Ground Floor, Basement	

<b>Playing of Recorded Music, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	Unrestricted	Unrestricted	No change		Ground Floor, Basement	No Change
<b>Tuesday</b>	Unrestricted	Unrestricted			Ground Floor, Basement	
<b>Wednesday</b>	Unrestricted	Unrestricted			Ground Floor, Basement	
<b>Thursday</b>	Unrestricted	Unrestricted			Ground Floor, Basement	
<b>Friday</b>	Unrestricted	Unrestricted			Ground Floor, Basement	
<b>Saturday</b>	Unrestricted	Unrestricted			Ground Floor, Basement	
<b>Sunday</b>	Unrestricted	Unrestricted			Ground Floor, Basement	
<b>Sunday before Bank Holidays</b>	Unrestricted	Unrestricted			Ground Floor, Basement	

<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>	<b>Current :</b>				<b>Proposed:</b>	
	Indoors				Indoors	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>

<b>Monday</b>	23:00	23:30	No change	Ground Floor, Basement	No Change
<b>Tuesday</b>	23:00	23:30		Ground Floor, Basement	
<b>Wednesday</b>	23:00	23:30		Ground Floor, Basement	
<b>Thursday</b>	23:00	23:30		Ground Floor, Basement	
<b>Friday</b>	23:00	00:00		Ground Floor, Basement	
<b>Saturday</b>	23:00	00:00		Ground Floor, Basement	
<b>Sunday before Bank Holiday</b>	23:00	00:00		Ground Floor, Basement	
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	The terminal hour for Late Night Refreshment on New Year's Eve is extended to 05:00 on New Year's Day			No change	

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		Both	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	No Change		Ground Floor, Basement	No Change
<b>Tuesday</b>	10:00	23:30			Ground Floor, Basement	
<b>Wednesday</b>	10:00	23:30			Ground Floor, Basement	
<b>Thursday</b>	10:00	23:30			Ground Floor, Basement	
<b>Friday</b>	10:00	00:00			Ground Floor, Basement	
<b>Saturday</b>	10:00	00:00			Ground Floor, Basement	
<b>Sunday</b>	12:00	22:30			10:00	
<b>Sunday before Bank Holiday</b>	12:00	00:00	10:00	00:00	Ground Floor, Basement	
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st				Bank holiday Sundays to commence at 10.00 hours until 00.00 hours.	

December).
------------

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	07:00	23:30	No Change		Ground Floor, Basement	No Change
<b>Tuesday</b>	07:00	23:30			Ground Floor, Basement	
<b>Wednesday</b>	07:00	23:30			Ground Floor, Basement	
<b>Thursday</b>	07:00	23:30			Ground Floor, Basement	
<b>Friday</b>	07:00	00:00			Ground Floor, Basement	
<b>Saturday</b>	07:00	00:00			Ground Floor, Basement	
<b>Sunday</b>	07:00	22:50			Ground Floor, Basement	
<b>Sundays before Bank Holidays</b>	07:00	00:00			Ground Floor, Basement	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
<p><b>Condition 11C</b></p> <p>(c) Sunday 12:00 to 22:30</p> <p><b>Condition 11D</b></p> <p>(d) Sunday Prior to Bank Holiday: 12:00 to 00:00</p>	<p><b>Condition 11 C:</b></p> <p>To amend Condition 11 C to reflect the hours on Sundays to be from 10.00 hours.</p> <p><b>Condition 11 D:</b></p> <p>To vary the sale of alcohol on Sunday immediately prior to a bank holiday to commence at 10.00 hours.</p>

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Environmental Health Service ( <b>withdrawn</b> )
<b>Representative:</b>	Ian Watson
<b>Received:</b>	2 <sup>nd</sup> August 2017

I refer to the application for a variation of the Premises Licence.

**The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.**

This representation is based on the operating schedule submitted.

The applicant is seeking the following

1. To extend the Supply of Alcohol 'On' the Sunday between 10.00 and 12.00 hours ancillary to food.
2. Amend condition 11 c and d to reflect the new hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
2. No objection.

Environmental Health have withdrawn their representation as they are content with the condition proposed by the applicant for the proposed early operational hours on a Sunday being 'The sale of alcohol on Sunday between the hours of 10.00 and 12.00 and shall be for consumption "On" the premises only, and shall be ancillary to substantial food'.

<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	27 <sup>th</sup> July 2017

I write in relation to the application submitted for a variation of a Premises Licence for the following premises –

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

The applicants seek to sell alcohol beyond core hours as stipulated in the Westminster Statement of Licensing Policy. We are concerned that this will allow people, albeit with food, to purchase and consume alcohol earlier in the day. Sunday is acknowledge in the Policy as a day when residents are entitled to have reduced impact from licenced premises.

We look forward to seeing from the applicant why the application should be granted against the policy points listed above.

Please accept this a formal objection.

### 3. Policy & Guidance

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

Policy CIA1 applies:	<p>(i) It is the Licensing Authoritys 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>
Policy PB2 applies:	It is the Licensing Authoritys 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>

### 4. Appendices

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

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1872 Email: ywade@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	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	5 <sup>th</sup> July 2017
<b>5</b>	The Licensing Authority Representation	27 <sup>th</sup> July 2017
<b>6</b>	The Environmental Health Representation	2 <sup>nd</sup> August 2017



## Kids' MENU

A MAIN, PUDDING & DRINK  
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MANS ONLY £2.99

Feast your eyes on these tasty treats for kids! Perfect for smaller appetites, plus we've had some games to keep them entertained. Available for children 10 years and under.

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Served with a mini side salad

**BUILD YOUR OWN CHICKEN WRAP** **£2.99**  
Tortilla wrap, chicken fillet strips, lettuce and tomato with Cheddar and BBQ sauce

**TOMATO PASTA** **£2.99**  
With garlic ciabatta

**SWEET TREATS**

**VANILLA FLAVOURED ICE CREAM** **99p**  
Served with chocolate sauce

**FRUITY DOT JELLY** **99p**  
Mandarin pieces in orange flavour jelly

**FRUITY ICE LOLLY** **99p**  
A juicy orange lolly with no added sugars and 100% real fruit

**CHOCOLATE CHIP COOKIE** **69p**  
Vanilla flavour cookie with chunks of dark and milk chocolate

**GUSTARD FACT** **£1.29**  
A bowl of warm custard with Cadbury® Dairy Milk Buttons

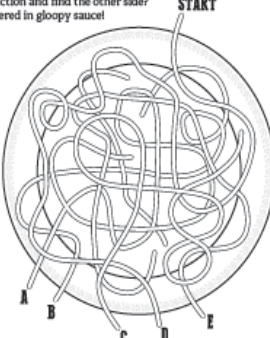
**DRINKY DRINKS**

**GLASS OF MILK**  
**FRUIT SHOOT**  
**PEPSI, DIET PEPSI, R WHITES LEMONADE**  
**FEEL GOOD**

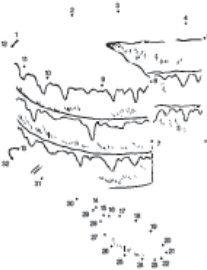
## Spaghetti MAZE

Can you wriggle your wormy way through spaghetti junction and find the other side? Don't get covered in gloopy sauce!

START




**Dot to Dot**



Can you tell what it is yet? Easy! Just fill in the blanks from dot to dot... to dot... to dot...

**SPOT THE DIFFERENCE**


There are FIVE differences between these pretty party pizzas. Can you find them all!



## Ice Cream COLOURS

Helping kids enjoy their 5 A DAY of fruit & vegetables

Colour in these delicious looking lollies however you like! Who says ice cream can't be the colour of the rainbow?



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**EVERYDAY BURGER & A DRINK**  
FROM **£6.79**

**WEEKDAYS LUNCH & DRINK**  
FROM **£4.99**

**TUESDAY BURGERS**  
**2 FOR 1**

**WEDNESDAY PIE & A PINT**  
FROM **£8.79**

**THURSDAY SKILLET & A DRINK**  
FROM **£9.49**

## FOOD

DESSERTS	
LEMON MERINGUE CHEESECAKE (V)	£4.49
STICKY TOFFEE PUDDING (V)	£3.99
BILBOB CHOCOLATE BROWNIE (V)	£3.99
CHOCOLATE FUDGE CAKE (V)	£4.79
VANILLA ICE CREAM (V)	£2.29
SALTED CARAMEL BROWNIES (V)	£3.99
CHAMEL APPLE CRUMBLE (V)	£3.99
NESTLÉ® PINK HERO DANDELION	£4.99
<b>FREAK SHAKES</b>	
CHOCOLATE MIDDOWN (V)	£4.99
FRUITICAMB EXPLOSION (V)	£4.99
STRAWBERRY FIELDS (V)	£4.99

TEA & COFFEE	
ESPRESSO	£2.00
AMERICANO	£2.00
CAPPUCINO	£2.00
LATTE	£2.50
MOCHA	£2.50
TEA	£2.00
HOT CHOCOLATE	£2.50

DRINK CHOICES	
Real Fruit	£1.50
Water	£0.00
Soda	£1.50
Soda with lemon	£1.50
Hot	£1.50
pepsi	£1.50
pepsi next	£1.50

**GO LARGE** **30p**

LIMITED SELECTION OF BEST BURGER & ALLIANCE CATERING AVAILABLE. SEE US FOR THE MENU WITH OVER 100 ITEMS. IT'S EXPERIENCE AND DISCOVER.

**LUNCH DEAL** **£4.99**

12pm - 5pm, MONDAY to FRIDAY

### TOASTIES

Some things in life are better hot. Toasties from our classic TOASTIE PLATES. ALL SERVED WITH CRISP CHIPS ON THE SIDE.

- LEMON & CHEESE £3.99
- BBQ pulled pork and Monterey Jack cheese £3.99
- HAM & CHEESE £3.99
- TUNA MELT £3.99
- CHEESE & TOMATO (V) £3.49
- MEAT & CHEESE (V) £3.99
- BLISS MOUNTAIN Cakes £2.99

### SANDWICHES/WRAPS & SALADS

YOUR CHOICE OF WHITE OR WHOLEMEAL BREAD BY TOPPERS WOOD AND A SIDE OF SEASONED CHIPS

- HAM & SALAD £5.49
- TUNA & SALAD £5.49
- CHEESE & TOMATO (V) £5.49
- CLASSIC BLT £5.49
- SWEET CHILLI SOUTHERN FRIED CHICKEN £5.49
- BBQ CHICKEN, BACON & CHEDDAR £5.99
- HAND CUT BEEF STEAK SANDWICH £5.49
- GREENHOUSE SALAD £3.99
- CHICKEN CAESAR SALAD £5.99

### JACKETS

ALL OUR JACKET POTATOES ARE SERVED WITH A DRILLED SALAD DRESSING

- CHEEDAR (V) £4.99
- CHEEDAR & CORNFLAKES (V) £4.99
- CHEEDAR & HEINZ® BAKED BEANS (V) £4.99
- TUNA MILD £4.99



oneill's

## SOCIAL SHARERS

FOR THOSE WHO LOVE TO GET TOGETHER, WHETHER YOU'RE WATCHING THE GAME OR JUST FANCY A CARRY-OUT BURGER WITH YOUR MATE. SHARE A PLATE AND GET STUCK IN!

- BARNS GRANDE (V)** £6.79  
Three chips topped with melted Cheddar, salsa, picante, sour cream and jalapeno.  
+ Add with nachos £1.00  
+ Add with nachos and queso £1.00
- ULTIMATE SHARER** £11.49  
Three shared chicken wings, mozzarella bread, chicken strips, cheese fries, beer battered fish and potato wedges, nachos, garlic bread and two chocolate truffles, served with BBQ mustard, sauce, ketchup and BBQ dips on the side.
- LOADED BEER CHIPS** £6.79  
A mix of mozzarella dips and cheese potato fries. Cheese fries £1.00 + £1.00 + £1.00
- GLAZED CHICKEN WINGS** £12.99  
12 chicken wings glazed with your choice of BBQ, peri peri or Teriyaki sauce.

## SMALL PLATES

MEAT & WATER A SELECTION OF SMALL DISHES. PERFECT FOR ONE, OR SHARE A FEW AND SHARE WITH FRIENDS!

- TOPPED CHIPS** £4.29  
Homemade chips topped with your choice of pulled pork and Cheddar or BBQ pork sauce.
- CLASSIC NACHOS (V)** £4.29  
Tasty chips topped with melted Cheddar, salsa, picante, sour cream and jalapeno.
- SOUTHERN FRIED CHICKEN STRIPS** £4.79  
With peri peri and sour cream dip.
- MAC & CHEESE BITES (V)** £4.49  
With melted cheddar sauce.
- PORK RIBLETS** £4.99  
Half rack of pork ribs glazed with BBQ sauce.
- BEER BATTERED SALT & PEPPER MUSHROOMS (V)** £3.99  
With onion sauce.
- DIPPING DOGS** £4.49  
With BBQ mustard dip.
- SPICY CHICKEN RIBS** £4.49  
With onion sauce and a wedge of cheese.
- GLAZED CHICKEN WINGS** £4.79  
6 chicken wings glazed with your choice of BBQ, peri peri or Teriyaki sauce.
- INDIAN SAUCE BITE (V)** £4.49  
Chicken strips, vegetable, tomatoes, spinach, potatoes, onion bread and onion sauce.
- ROMAN & BAKED SOUP (V)** £3.99  
With traditional bread and truffle.

3 FOR £11.00 OR 5 FOR £16.00

## FRESH FROM THE GRILL

FOR 21 DAY 1820 PRIME STEAKS AND PERFECT GRILLED COUNTRY PORK LOIN. ALL OUR SKILLET DISHES ARE SERVED ON A BED OF SIZZLING ONIONS.



- 8oz RUMP** £16.99  
With onion and chips, grilled half tomato and a flat mushroom.
- 10oz SKELTON** £12.29  
With onion and chips, grilled half tomato and a flat mushroom.  
+ For peri peri with pork prices for £2.00
- CLASSIC MIXED GRILL** £10.99  
Small rump steak, half a gammon steak, 4 cheap fish chicken fillet, two pork sausages with mozzarella dips, flat mushroom and grilled half tomato.
- CHICKEN & RIBS COMBO** £24.49  
One grilled chicken fillet and half rack of BBQ glazed pork ribs with mozzarella dips, flat mushroom and grilled half tomato.

ALL AMERICAN PLATTER £11.79  
Half a rack of BBQ glazed pork ribs with BBQ glazed chicken wings, southern fried chicken strips, grilled onion, mushroom, mozzarella dips and colander.

MEDIA WED GRILL £11.49  
Get rump steak, two gammon steaks, cheap fish chicken fillet and three pork sausages with mozzarella dips, onion rings, a flat mushroom, grilled half tomato and potato.

SHOON & BLUE CHICKEN £7.99  
Cheap fish chicken fillet topped with blue cheese sauce served with flat mushrooms, grilled half tomato, Colchester mustard and potato.

ROAST CHICKEN £4.99  
With mozzarella dips, onion rings, grilled onion and a flat mushroom.

1 CHICKEN SKEWER £4.99  
+ Add £1.00 + Add £1.00 + Add £1.00  
2 CHICKEN & SAUCE £4.99  
+ Add £1.00 + Add £1.00 + Add £1.00



MAKE IT A SAUCY ONE  
+ PEPPERONI  
+ MUSHROOM  
+ BACON  
+ CHEDDAR & BLUE CHEESE!  
ADD A SAUCE FOR 50P

## IT'S A CLASSIC

### O'NEILL'S FAVOURITES

- SLOW COOKED HAM BEEF** £9.49  
Diced ham and beef, baked pork sausage, chicken, 1.5kg of mozzarella, mozzarella dips and onion rings served with mozzarella dips, potato sauce, bread and butter and a wedge of lemon.
- SANDWICH & COLCANNON WASH** £7.49  
Three pork sausages with Colcannon mash, onion rings and potato.
- VEGETARIAN SANDWICH & COLCANNON WASH (V)** £7.49  
Three vegetarian sausages with Colcannon mash, onion rings and potato.
- STEAK & GUISSESPIE PIE** £8.99  
Oven, Colcannon and onion topped with pulled potato, served with Colcannon mash, potato and onion.
- TRADITIONAL IRISH STEW** £9.49  
Rich lamb and vegetable stew served with Colcannon potato.
- CHICKEN & MUSHROOM PIE** £8.75  
Chicken and mushrooms in a creamy Cheddar sauce topped with pulled potato, served with potato and your choice of mozzarella dips or Colcannon mash.
- ULTIMATE ALL DAY BREAKFAST** £8.99  
Two halves of pulled back bacon, two pork sausages, two fried free range eggs, two hash browns, 'Newspaper' hash brown, flat mushroom, pulled half tomato, mozzarella dip and traditional bread and butter.  
*Vegetarian All Day Breakfast (V) also available*
- ROO HUNTERS CHICKEN** £8.49  
Cheap fish chicken fillet topped with pulled back bacon, BBQ sauce and Monterey Jack cheese with mozzarella dips, flat mushroom and a flat mushroom.
- TOZ GARDIAN STEAK** £7.29  
Topped with pineapple and a fried free range egg with mozzarella dips and potato.
- MINCED BEEF, ALE & VEGETABLE PIE** £8.49  
With mozzarella dips, potato and onion.
- CHICKEN WINDY LAUREL** £8.49  
Marinated chicken with onion and pepper in a mild Cheddar sauce with mozzarella dips, potatoes, mushrooms and onion rings.
- SWEET POTATO & LENTIL THANISKAN (V)** £7.79  
With onion and potato, onion rings and mozzarella dip.

GLAZED BY THE DUKY WITH A BARK BASTE, BROWN BREAD, MUSHROOM, SPINACH, ONIONS, SAUCE AND BAKED CHEESE TOPPED £1.00

## A BIT ON THE SIDE

- SEASONED CHIPS (V)** £2.60
- SWEET POTATO FRITES (V)** £3.50
- DRESSED SIDE SALAD (V)** £3.80
- ONION RINGS (V)** £2.80
- COLCANNON (V)** 99P
- COLCANNON WASH (V)** £2.60
- MAC & CHEESE (V)** £5.00
- CARLYE BREAD WITH CHEESE (V)** £3.30
- GRILLED CORN (V)** 99P

## OUR BURGERS

ALL OUR BURGERS ARE SERVED ON A LIGHTLY TOASTED BRUCHE BUN WITH PICKLED CUCUMBER, LETTUCE, TOMATO, RED ONION AND KETCHUP WITH SEASONED CHIPS ON THE SIDE.

OUR BEST BURGERS ARE MADE WITH 100% IRISH SOURCE BEEF!

- THE LITMITE** £10.79  
One burger, BBQ pulled pork, cheddar cheese, pulled back bacon, pulled half tomato, Monterey Jack cheese with onion rings.
- OLD FASHIONED CHEESE & BACON** £8.79  
Cheddar beef burger or cheddar fillet burger topped with pulled back bacon and Monterey Jack cheese.
- MAC & CHEESE** £8.79  
Cheddar beef burger or cheddar fillet burger topped with pulled back bacon and Monterey Jack cheese.
- THE FULL HOUSE** £10.79  
Cheddar beef burger or cheddar fillet burger topped with pulled back bacon and Monterey Jack cheese topped with tomato sauce and onion rings.
- SOUTHERN FRIED CHICKEN** £8.79  
Two halves of fried chicken fillet topped with Monterey Jack cheese, with BBQ dip on the side.
- TRIPLE STACK** £9.79  
Three burgers, pulled back bacon and pulled half tomato with dipping sauce.



OUR BEST BURGERS ARE MADE WITH 100% IRISH SOURCE BEEF!

BURGER TOPPERS  
+ CHEDDAR CHEESE 89P  
+ BEEF PULLED PORK 89P  
+ MUSHROOM 89P  
+ SPINACH 79P  
+ CHICKEN FILLET 59P  
+ CHICKEN R1 59P  
+ BEEF BURGER 59P  
+ CHICKEN RIBLET 59P

BURGER & DRINK FROM £6.79  
ORDER ANY BURGER AND GET A SIZZLED SOFT DRINK FOR FREE! (ON A SIZZLED SOFT DRINK FOR £1.00, ON A SIZZLED SOFT DRINK FOR £1.00, ON A SIZZLED SOFT DRINK FOR £1.00)



# BREAKFAST



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## BREAKFAST

### CLASSIC BREAKFAST £4.69

The nation's favourite! Grilled back bacon, pork sausage, fried free range egg, hush brown, Heinz® baked beans, grilled half tomato and your choice of white or wholemeal toast and butter

### LARGE BREAKFAST £6.69

Two rashers of grilled back bacon, two pork sausages, two fried free range eggs, two hush browns, Heinz® baked beans, flat mushroom, grilled half tomato and your choice of white or wholemeal toast and butter

### MEGA BREAKFAST £8.69

Three rashers of grilled back bacon, three pork sausages, three fried free range eggs, three hush browns, Heinz® baked beans, flat mushroom, grilled half tomatoes and your choice of white or wholemeal toast and butter

### CLASSIC VEGETARIAN BREAKFAST (V) £4.69

Vegetarian sausage, fried free range egg, hush brown, Heinz® baked beans, flat mushroom, grilled half tomato and your choice of white or wholemeal toast and butter

### LARGE VEGETARIAN BREAKFAST (V) £6.69

Two vegetarian sausages, two fried free range eggs, two hush browns, Heinz® baked beans, two flat mushrooms, grilled half tomato and your choice of white or wholemeal toast and butter

## EGG MUFFINS

### EGGS BENEDICT £5.69

Toasted English muffin topped with Yorkshire ham, poached free range egg and hollandaise sauce

### EGGS FLORENTINE (V) £5.69

Toasted English muffin topped with wilted baby spinach, poached free range egg and hollandaise sauce

### BREAKFAST MUFFIN £5.79

Double Zoo® beef burger, pork sausage, grilled back bacon, and a fried free range egg topped with Monterey Jack cheese in a toasted muffin

• Add hush brown (V) 50p

## BUILD YOUR BREKKIES JUST HOW YOU LIKE 'EM

GRILLED FLAT MUSHROOM (V) 60p	GRILLED TOMATO (V) 60p
HEINZ® BAKED BEANS (V) 60p	PORK SAUSAGE 60p
FRIED FREE RANGE EGG (V) 60p	GRILLED BACK BACON 60p
VEGETARIAN SAUSAGE (V) 60p	WHITE TOAST (V) 80p
HUSH BROWN (V) 60p	WHOLEMEAL TOAST (V) 80p

UNLIMITED TEA or FILTER COFFEE £1.00 WITH ANY BREAKFAST\*



## SANDWICHES & WRAPS

SERVED ON WHITE OR WHOLEMEAL BLOOMER WITH YOUR CHOICE OF FILLINGS. LOAD UP WITH EXTRAS FOR 60P

### BACON £3.29

### PORK SAUSAGE £3.29

### BACON & EGG £3.49

### PORK SAUSAGE & EGG £3.49

### VEGETARIAN SAUSAGE & EGG (V) £3.49

### BREAKFAST WRAP £3.99

Grilled back bacon, pork sausage, fried free range egg and Monterey Jack cheese served in a flour tortilla

### VEGETARIAN BREAKFAST WRAP (V) £3.99

Vegetarian sausage, grilled mushroom, fried free range egg and Monterey Jack cheese served in a flour tortilla

## BREAKFAST BITES

### PORRIDGE (V) £2.49

Made with junk-o oats and topped with your choice of Hartley's® strawberry jam, Nutella® hazelnut spread or honey

### TOAST (V) 99p

Two slices of white or wholemeal with your choice of Hartley's® strawberry jam, Nutella® hazelnut spread or honey

### ENGLISH MUFFIN (V) 99p

With your choice of Hartley's® strawberry jam, Nutella® hazelnut spread or honey

(V) Made with Vegetarian ingredients, however some of our preparation and cooking methods could affect this. If you require more information, please ask your server. All our food is prepared in a kitchen where nuts, cereals containing gluten and other allergens are present, and our menu descriptions do not include all ingredients. If you have a food allergy or intolerance, please let us know before ordering. Full allergen information for food and drink is available, upon request. \*All weights stated are approximate uncooked weights. \*\*Unlimited use of filter coffee is available in total 13 stores and subject to our fair usage policy. All items are subject to availability. All prices include VAT at the current rate. Currencies may vary by post.

## TEA & COFFEE

LAVAZZA

LAVAZZA SELECT THE BEST RAINFOREST ALLIANCE CERTIFIED ARABICA BEANS AND BLEND THEM WITH OVER 120 YEARS OF EXPERIENCE AND PASSION

### ESPRESSO £2.00

### AMERICANO £2.00

### CAPPUCCINO £2.50

### LATTE £2.50

### MOCHA £2.50

### TEA £2.00

### HOT CHOCOLATE £2.50

GO LARGE ON COFFEE FOR 30P



### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>05/05509/LIPCV</b>	Application for conversion	02.08.2005	<b>Granted Under Delegated Authority</b>
<b>06/10209/WCCMAP</b>	Application for new premises Licence	28.10.2005	<b>Granted Under Delegated Authority</b>
<b>11/01136/LIPDPS</b>	Application to vary the Designated Premises Supervisor	24.02.2011	<b>Granted Under Delegated Authority</b>
<b>11/02851/LIPVM</b>	Application for a Minor Variation to carry out internal alterations to the premises.	20.04.2011	<b>Granted Under Delegated Authority</b>
<b>11/09819/LIPDPS</b>	Application to vary the Designated Premises Supervisor	31.10.2011	<b>Granted Under Delegated Authority</b>
<b>11/12045/LIPVM</b>	Application for a Minor Variation to carry out internal alterations to the premises and to vary the opening commencement hour to 08:00 on Monday to Saturday and 10:00 Sunday (no change to existing licensable activity hours).	29.12.2011	<b>Granted Under Delegated Authority</b>
<b>12/08286/LIPVM</b>	Application for a Minor Variation to carry out internal alterations to include the following: Basement- relocate trade kitchen, gents toilets, staff room and cleaners store. Form new freezer and chiller store and add new hoists to new kitchen position. Ground- New section of fixed seating by stairs. Removal one section of fixed seating and add new hoists and shelf. Move a section of fixed seating forward in the corner to	09.10.2012	<b>Granted Under Delegated Authority</b>

	allow ducting to pass through.		
<b>14/07619/LIPDPS</b>	Application to vary the Designated Premises Supervisor	03.11.2014	<b>Granted Under Delegated Authority</b>
<b>14/08841/LIPVM</b>	Application for a Minor Variation to vary the opening commencement hour to 07:00 Monday to Sunday (no change to existing licensable activity hours)	03.11.2014	<b>Granted Under Delegated Authority</b>
<b>15/00645/LIPDPS</b>	Application to vary the Designated Premises Supervisor	26.02.2015	<b>Granted Under Delegated Authority</b>
<b>15/08950/LIPCHD</b>	Application to change DPS Address Details	13.10.2015	<b>Granted Under Delegated Authority</b>

**Temporary Event Notice:**

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>
<b>11/12287/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>12/01053/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>12/04964/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>13/01323/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>13/03075/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>14/01418/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>14/04220/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>

<b>14/04259/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>14/04262/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>14/04263/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>15/01169/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>15/08647/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>15/10138/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>16/01257/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>17/00675/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>17/04484/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>17/04501/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>17/04505/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>17/04509/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>17/04516/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>
<b>17/04520/LITENP</b>	Temporary Event Notice	<b>Notice Allowed</b>

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);



- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

- (b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-

paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

9. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

## **Annex 2 – Conditions consistent with the operating Schedule**

10. The Venue will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 venue is open for licensable activities for a period of 31 days with date and time stamping. Recordings shall be made available, immediately upon the request of police or authorised officer throughout the preceding 31 day period

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

11. The permitted hours for sale and supply of alcohol is:
  - (a) Monday to Thursday 10:00 to 23:30
  - (b) Friday to Saturday 10:00 to 00:00
  - (c) Sunday 12:00 to 22:30
  - (d) Sunday Prior to Bank Holiday: 12:00 to 00:00
  - (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
12. Customers shall be off the premises by no later than 23:30 Monday to Thursday, 00:00 Friday to Saturday and Sunday prior Bank holiday and 22:50 Sunday .
13. Credit card sales shall be allowed, subject to the proviso that customers are to be presented with an itemised bill.
14. All persons under the age of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 21:00 unless they are taking table meals accompanied by an adult when after 21:30.
15. Noise and vibration will not be allowed to emanate from the premises so as to cause a public nuisance to nearby properties.
16. All windows and doors to be kept closed when regulated entertainment takes place except immediate access and egress of persons. For avoidance of doubt the reference to regulated entertainment does not include background music.
17. A sound limiting device must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service. The keys securing the noise limiter shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
18. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service.
19. Any additional generating equipment shall not be used on the premises without being routed through the sound limiter device.

20. There shall be no licensable activities or consumption of alcohol by patrons permitted outside the premises after 23:00 Monday to Saturday and after 22:30 on Sunday except as may be permitted under any street trading licence that may be granted by Westminster City Council.
21. Whilst live music is taking place the number of persons accommodated at any one time (excluding staff) shall not exceed the following:  
225 persons ground floor.
22. All emergency doors shall be maintained effectively self closing and not held open other than by approved device.
23. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
24. The certificates below shall be submitted to the Licensing Authority upon written request:
  - (a) any emergency lighting battery or system
  - (b) any electrical installation
  - (c) Any emergency warning system.
25. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fire works
  - firearms
  - lasers
  - explosives and highly flammable substances
  - real flame
  - strobe lighting
26. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
27. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293 : 1993.
28. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provision of Section 2(1A) and 5 of the Hypnotism Act 1952.
29. No entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in

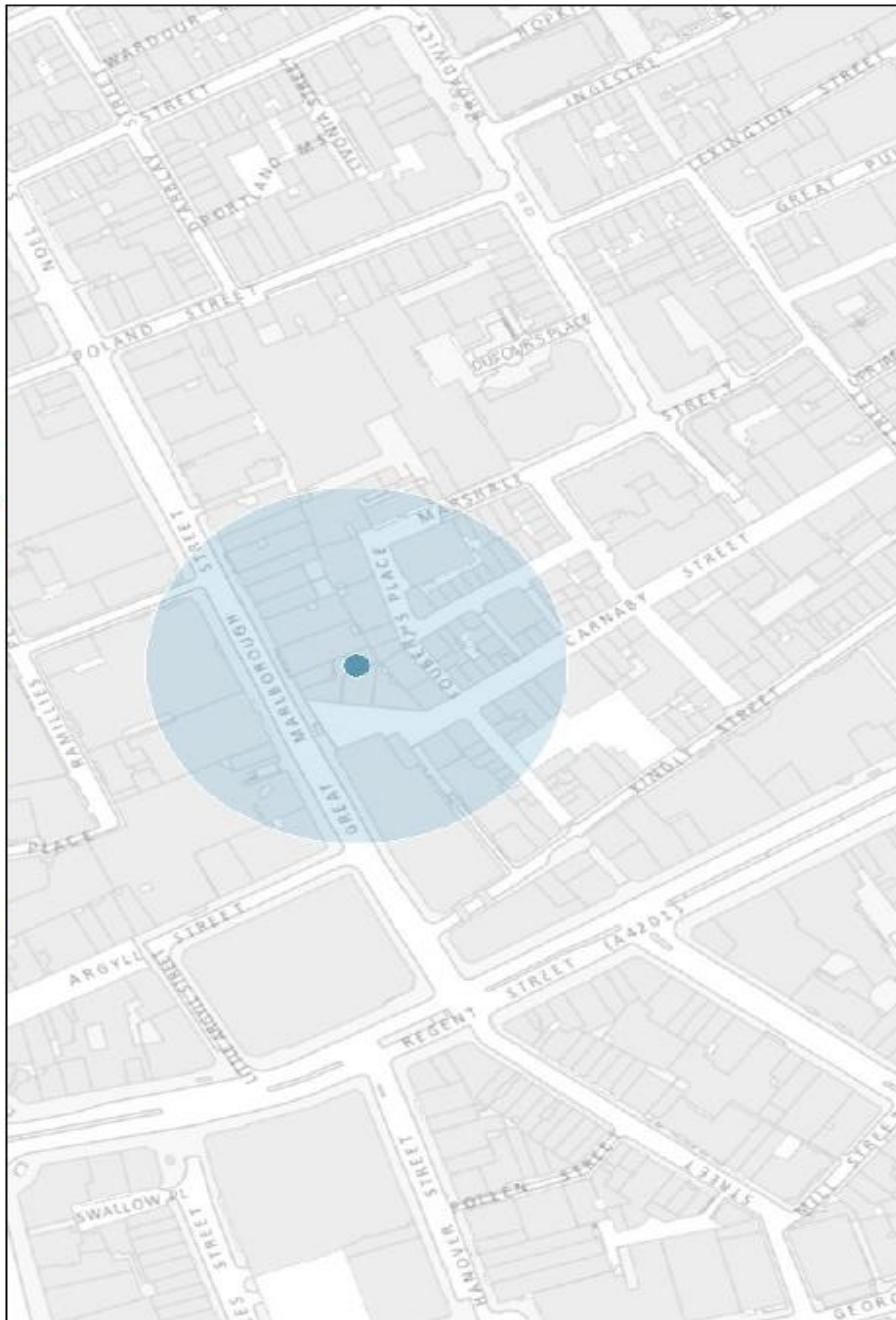
Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.

30. There shall be no striptease or nudity and all persons shall be decently attired at all times.
31. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
32. There shall be no loud speakers located within the acoustic lobby or externally.
33. The performance of live music shall be restricted to a maximum of 4 performers.
34. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police which will record the following:
  - (a) all crimes reported to the venue
  - (b) any complaints received regarding crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
35. There shall be no live music or sound checks Monday to Friday from 09:00 hours to 18:00 hours except for Bank Holiday Mondays.
36. All performances of live music shall be restricted to the raised area only as shown on the plan MC605-203 dated March 2011.

#### **Proposed Condition as part of the Operating Schedule**

37. The sale of alcohol on Sunday between the hours of 10.00 and 12.00 and shall be for consumption "on" the premises only, and shall be ancillary to substantial food.

O'Neill's 37 - 38 Great Marlborough Street



August 24, 2017

Resident Count: 56



## Copy of Existing Licence



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: West End  
UPRN: 010033534989

Premises licence

Regulation 33, 34

Premises licence number:

15/08950/LIPCHD

Original Reference:

05/05509/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

O'Neill's  
37 - 38 Great Marlborough Street  
London  
W1F 7JF

Telephone Number: 020 7437 0039

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Indoor Sporting Event**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Performance of Live Music**

Monday to Thursday:	18:00 to 23:00
Friday:	18:00 to 23:30
Saturday:	10:00 to 23:30
Sunday:	12:00 to 22:30
Bank Holiday:	10:00 to 23:30 (Monday)

Non-standard Timings: Continuous trading hours on 31st December each year until start time on the following day

**Playing of Recorded Music**

Unrestricted

<b>Late Night Refreshment</b>	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1 &amp; 3</i>	

<b>The opening hours of the premises:</b>	
Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:50
Sundays before Bank Holidays:	07:00 to 00:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mitchells And Butlers Leisure Retail Ltd  
 27 Fleet Street  
 Birmingham  
 B3 1JP

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

01001181

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

**Name:** Kerry Ann Rossall

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

<p><b>Licence Number:</b> 009158 <b>Licensing Authority:</b> London Borough Of Barking And Dagenham</p>
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**Date:** 13<sup>th</sup> October 2015

**This licence has been authorised by Miss Yolanda Wade on behalf of the Director -  
Public Protection and Licensing.**

#### Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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 which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

9. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

## **Annex 2 – Conditions consistent with the operating Schedule**

10. The Venue will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 venue is open for licensable activities for a period of 31 days with date and time stamping. Recordings shall be made available, immediately upon the request of police or authorised officer throughout the preceding 31 day period



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

11. The permitted hours for sale and supply of alcohol is:
  - (a) Monday to Thursday 10:00 to 23:30
  - (b) Friday to Saturday 10:00 to 00:00
  - (c) Sunday 12:00 to 22:30
  - (d) Sunday Prior to Bank Holiday: 12:00 to 00:00
  - (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
12. Customers shall be off the premises by no later than 23:30 Monday to Thursday, 00:00 Friday to Saturday and Sunday prior Bank holiday and 22:50 Sunday .
13. Credit card sales shall be allowed, subject to the proviso that customers are to be presented with an itemised bill.
14. All persons under the age Of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 21:00 unless they are taking table meals accompanied by an adult when after 21:30.
15. Noise and vibration will not be allowed to emanate from the premises so as to cause a public nuisance to nearby properties.
16. All windows and doors to be kept closed when regulated entertainment takes place except immediate access and egress of persons. For avoidance of doubt the reference to regulated entertainment does not include background music.
17. A sound limiting device must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service. The keys securing the noise limiter shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
18. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service.
19. Any additional generating equipment shall not be used on the premises without being routed through the sound limiter device.
20. There shall be no licensable activities or consumption of alcohol by patrons permitted outside the premises after 23:00 Monday to Saturday and after 22:30 on Sunday except as may be permitted under any street trading licence that may be granted by Westminster City Council.
21. Whilst live music is taking place the number of persons accommodated at any one time (excluding staff) shall not exceed the following:  
225 persons ground floor.
22. All emergency doors shall be maintained effectively self closing and not held open other than by approved device.
23. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
24. The certificates below shall be submitted to the Licensing Authority upon written request:
  - (a) any emergency lighting battery or system

- (b) any electrical installation
  - (c) Any emergency warning system.
25. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
- dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fire works
  - firearms
  - lasers
  - explosives and highly flammable substances
  - real flame
  - strobe lighting
26. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
27. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293 : 1993.
28. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provision of Section 2(1A) and 5 of the Hypnotism Act 1952.
29. No entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
30. There shall be no striptease or nudity and all persons shall be decently attired at all times.
31. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
32. There shall be no loud speakers located within the acoustic lobby or externally.
33. The performance of live music shall be restricted to a maximum of 4 performers.
34. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police which will record the following:
- (a) all crimes reported to the venue
  - (b) any complaints received regarding crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.

35. There shall be no live music or sound checks Monday to Friday from 09:00 hours to 18:00 hours except for Bank Holiday Mondays.
36. All performances of live music shall be restricted to the raised area only as shown on the plan MC605-203 dated March 2011.

**Annex 4 – Plans**

(Attached)



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

Schedule 12  
Part B

WARD: West End  
UPRN: 010033534989

Premises licence  
summary

Regulation 33, 34

Premises licence number:

15/08950/LIPCHD

**Part 1 – Premises details**

**Postal address of premises:**

O'Neill's  
37 - 38 Great Marlborough Street  
London  
W1F 7JF

Telephone Number: 020 7437 0039

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Indoor Sporting Event**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Performance of Live Music**

Monday to Thursday:	18:00 to 23:00
Friday:	18:00 to 23:30
Saturday:	10:00 to 23:30
Sunday:	12:00 to 22:30
Bank Holiday:	10:00 to 23:30 (Monday)

Non-standard Timings: Continuous trading hours on 31st December each year until start time on the following day

**Playing of Recorded Music**

Unrestricted

<b>Late Night Refreshment</b>	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1&amp;3</i>	

<b>The opening hours of the premises:</b>	
Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:50
Sundays before Bank Holidays:	07:00 to 00:00

<b>Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:</b>
Alcohol is supplied for consumption both on and off the Premises.

<b>Name and (registered) address of holder of premises licence:</b>
Mitchells And Butlers Leisure Retail Ltd 27 Fleet Street Birmingham B3 1JP

<b>Registered number of holder, for example company number, charity number (where applicable)</b>
01001181

<b>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:</b>
<b>Name:</b> Kerry Ann Rossall

<b>State whether access to the premises by children is restricted or prohibited:</b>
Restricted

Date: 13<sup>th</sup> October 2015

This licence has been authorised by Miss Yolanda Wade on behalf of the Director -  
Public Protection and Licensing.



Item No:	
Date:	7 September 2017
Licensing Ref No:	17/06994/LIPN - New Premises Licence
Title of Report:	Basement And Ground Floor 19 New Quebec Street London W1H 7RY
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			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	23 June 2017		
<b>Applicant:</b>	Nic Rascle Ltd		
<b>Premises:</b>			
<b>Premises address:</b>	Basement And Ground Floor 19 New Quebec Street London W1H 7RY	<b>Ward:</b>	Bryanston and Dorset Square
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	According to the application the premises will operate as a fishmonger.		
<b>Premises licence history:</b>	This is an application for a new premises licence and no history exists for the premises.		
<b>Applicant submissions:</b>	None submitted		
<b>Plans</b>	Plans of the premises are available upon request from the Licensing Authority and will be available at the Licensing Sub-Committee.		

1-B Proposed licensable activities and hours							
<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>		10:00	10:00	10:00	10:00	10:00	09:30
<b>End:</b>		23:00	23:00	23:00	23:00	23:00	22;30
<b>Seasonal variations/ Non-standard timings:</b>		None applied for.					

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>		09:30	09:30	09:30	09:30	09:30	09:30
<b>End:</b>		23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		None applied for.					
<b>Adult Entertainment:</b>		Not applicable.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Team (withdrawn)
<b>Representative:</b>	Mr Ian Watson
<b>Received:</b>	19 <sup>th</sup> July 2017
<p>The applicant has submitted floor plans of the Ground and Basement floors.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"><li>1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Tuesday to Sunday between 09.30 to 23.00 hours.</li></ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"><li>1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</li></ol> <p>The applicant has provided additional information with the application which is being considered but does not fully address the concerns of Environmental Health.</p> <p><b>Further comments:</b></p> <p>Proposed conditions.</p> <ul style="list-style-type: none"><li>• The number of persons permitted in the Basement of the premises at any one time (excluding staff) shall not exceed 30 persons.</li><li>• The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.</li><li>• 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.</li><li>• No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.</li></ul>	

- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- 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.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day.
- No deliveries to the premises shall take place between 22.00 hours and 08.00 hours on the following day.
- No licensable activities shall take place in the basement of the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

***Following the agreement of conditions, Environmental Health have withdrawn their representations.***

<b>Responsible Authority:</b>	Metropolitan Police Service (Withdrawn)
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	21 <sup>st</sup> July 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder.

The conditions offered within the application do address some of our concerns. However we have concerns that this application may cause further policing problems in an already demanding area.

**Further Comments:**

As discussed Police propose the following conditions as I believe they will address our concerns in relation to crime and disorder.

1. 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.

2. 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.

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

4. All outside tables and chairs shall be rendered unusable by 2300 each day.

5. The sale of alcohol on the premises shall at all times be ancillary to the main use of the premises as a fish monger.

6. 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.

7. A Challenge 21 or 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.

8. The supply of alcohol at the premises shall only be to a person seated

9. 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 faults in the CCTV system, searching equipment or scanning equipment (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.

As discussed on the phone I am happy to replace conditions 8 which reads : ‘The supply of alcohol at the premises shall only be to a person seated’ with ‘The supply of alcohol at the premises shall only be ancillary to food’.

Police also request that you reduce the hours for the supply of alcohol to align with core hours as set out in Westminster Policy. So the supply of alcohol would start at 10:00 instead of your proposed 09:30 Monday to Saturday. On Sunday the hours should be amended to 10:00 – 22:30.

***Following the agreement of conditions, the MET have withdrawn their representation.***

**2-B Other Persons**

<b>Received:</b>	1 <sup>st</sup> July 2017
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SINCE I MOVED INTO THIS STREETY 7 YEARS AGO THE QUALITY OF LIFE HAS GONE DOWN EVERY YEAR WE HAVE HAD CONSTANT SCAFFOLDING AND BUILDING WORK WE NOW HAVE 7 RESTURANT/CAFES THE RUBBISH IS EVERY WHERE AND THE NOISE IS A DISGRACE ...NOW YOUR ALLOWING ANOTHER RESTURANT WHERE WE HAD A LIGHTING SHOP ....AT SOME STAGE THIS HAS TO STOP I HAD TERRIBLE TROUBLE WITH THE PLACE NEXT DOOR WHEN IT WAS A SHISHA BAR THE NOISE WAS UNBEAVABLE ....I STRONGLY OBJECT TO GIVING THESE PEOPLE A LICENSE I GET ENOUGH NOISE FROM PATRONS AT THE GRAZING GOAT.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	(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.  (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.
<b>Policy OS1 applies:</b>	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. 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>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	23 <sup>rd</sup> June 2017
<b>5</b>	Representation – Environmental Health	19 <sup>th</sup> July 2017
<b>6</b>	Representation – Met Police	21 <sup>st</sup> July 2017
<b>7</b>	Representation – Resident	1 <sup>st</sup> July 2017

**Applicant Supporting Documents**

None submitted.

**Premises History**

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. CCTV 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. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 days.
10. Staff shall be able to operate CCTV and provide a Police or authorised council officer copies of recent CCTV images or data.
11. Incident log will be kept at the premises recording incident of disorder, crime, complaint, refusal of sale of alcohol, and visit by emergency and relevant authority.
12. A Challenge 21 proof of age scheme shall be operated
13. 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.
14. Carry out risk assessment tailored for proposed premises operations.
15. Regular electrical checks will be carried out
16. Appropriate first aid equipment and materials available on the premises
17. Provision of training in evacuation procedures while premises is in use
18. Notices will be used in the area of smoking requesting patrons to respect local residents and keep the noise down.
19. Measures to be taken to ensure no disturbance to residents in the area.
20. Measures to prevent fish smell from causing a nuisance to residents.
21. Keep the public area clear of rubbish and boxes.
22. No commercial deliveries and/or collections including refuse and recyclable food waste, shall take place between 23:00 and 08:00 hours
23. A Challenge 21 proof of age scheme shall be operated
24. Train staff to ensure compliance with the law in relation of adults buying alcohol for children.
25. Alcoholic beverages will be kept in designated areas such as behind the counter fridge where children and clients have no access



26. Supply of alcohol will be made or authorised by a person who holds a personal licence.

### **Conditions proposed by the Environmental Health**

27. The number of persons permitted in the Basement of the premises at any one time (excluding staff) shall not exceed 30 persons.
28. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.
29. 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.
30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
31. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
32. 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.
33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
34. 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.
35. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

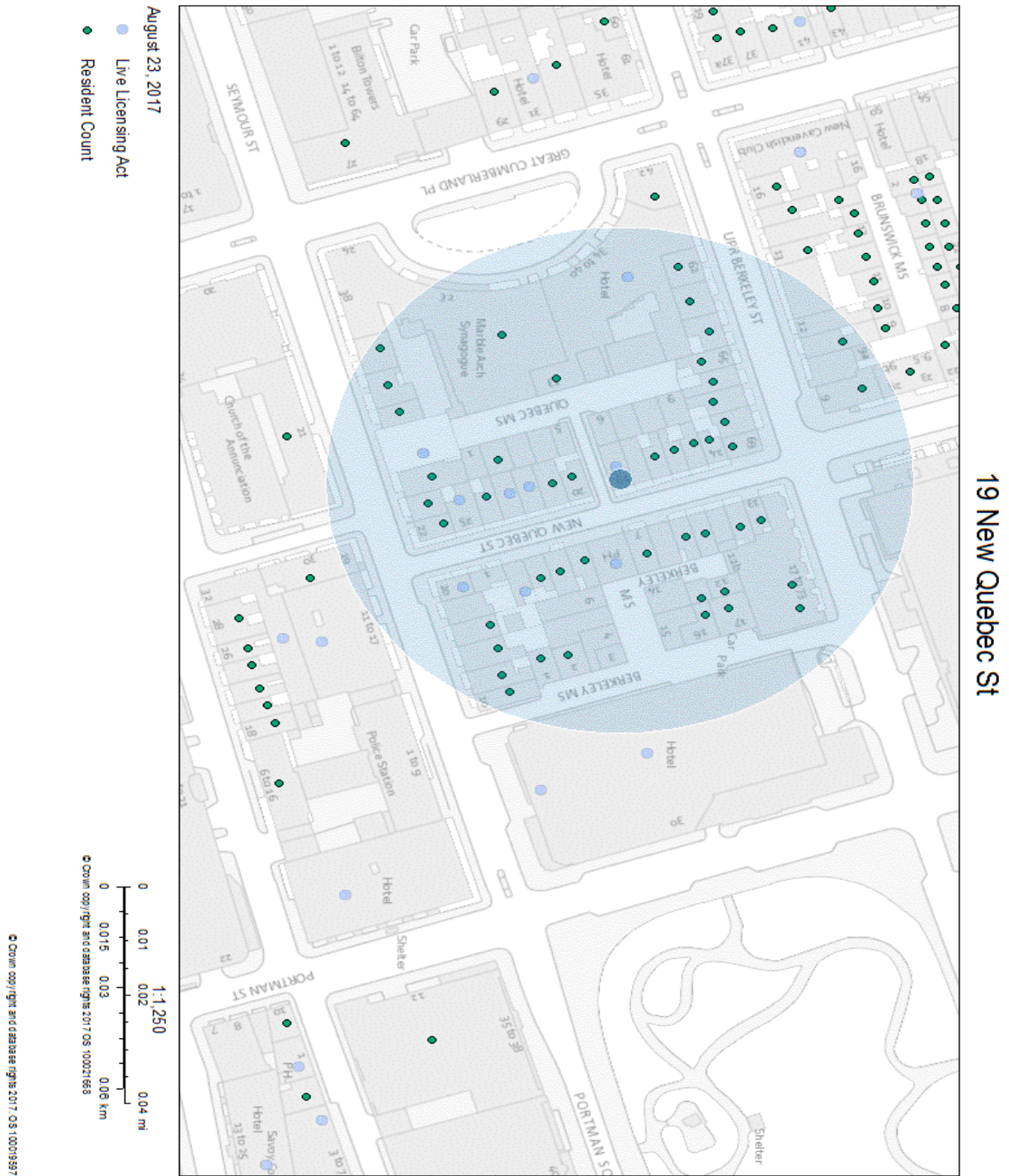
39. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day.
40. No deliveries to the premises shall take place between 22.00 hours and 08.00 hours on the following day.
41. No licensable activities shall take place in the basement of the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

### **Conditions proposed by the Police**

42. 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.
43. 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.
44. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
45. All outside tables and chairs shall be rendered unusable by 2300 each day.
46. The sale of alcohol on the premises shall at all times be ancillary to the main use of the premises as a fish monger.
47. 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.
48. A Challenge 21 or 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.
49. The supply of alcohol at the premises shall only be ancillary to food
50. 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 faults in the CCTV system, searching equipment or scanning equipment (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.

Residential Map and List of Premises in the Vicinity



Resident Count: 193