



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday 5th April, 2018**

Time: **10.00 am**

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

Members: **Councillors:**

Peter Freeman (Chairman)
Karen Scarborough
Shamim Talukder

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. CAFE ROYAL HOTEL, 8 AIR STREET, W1

(Pages 1 - 50)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---|------------------------------------|---------------------------------|----------------------------|
| 1. | West End Ward / West End Cumulative Impact Area | Cafe Royal Hotel, 8 Air Street, W1 | Variation of a Premises Licence | 18/01098/LIPV |

2. WEST END METRO, GROUND FLOOR, 38 GREAT WINDMILL STREET, W1

(Pages 51 - 72)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|-------------------------------------|----------------------------------|----------------------|----------------------------|
| 2. | West End Ward / West End Cumulative | West End Metro, Ground Floor, 38 | New Premises Licence | 18/01482/LIPN |

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| | Impact Area | Great Windmill Street, W1 | | |
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3. AHI POKE, 11 SIR SIMON MILTON SQUARE, SW1

(Pages 73 - 90)

| App No | Ward / Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---|---|----------------------|----------------------------|
| 3. | St James's Ward / not in cumulative impact area | Ahi Poke, 11 Sir Simon Milton Square, SW1 | New Premises Licence | 18/01047/LIPN |

**Stuart Love
Chief Executive
28 March 2018**

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)

- 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.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

| | |
|--------------------|---|
| Item No: | |
| Date: | 5 April 2018 |
| Licensing Ref No: | 18/01098/LIPV - Premises Licence Variation |
| Title of Report: | Cafe Royal Hotel 8 Air Street London W1B 5AB |
| 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: ywade@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|----------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 1 February 2018 | | |
| Applicant: | Cafe Royal Management Limited | | |
| Premises: | Cafe Royal Hotel | | |
| Premises address: | 8 Air Street London W1B 5AB | Ward: | West End |
| | | Cumulative Impact Area: | West End |
| Premises description: | The premises currently operates as a 5 star hotel with ancillary facilities such as restaurants, luxury spa facilities, bars and lounges and meeting/functions rooms. | | |
| Variation description: | <p>The variation proposes to change:</p> <ol style="list-style-type: none"> 1. The layout of the ground and first floor of the premises in accordance with the enclosed plans. 2. The TEN room on the ground floor from restaurant to lobby. 3. The members areas on the first floor to public restaurant and bar. 4. The first floor screening room to restaurant & bar 5. Amend conditions, as a consequence of the changes. <p>The application does not involve any increase in licensable activities or the hours during which those activities can take place.</p> <p>However the application does involve a variation to the conditions that will apply to the new studio bar which will allow members of the public to purchase and consume alcohol until 3am without that been ancillary to a table meal.</p> | | |
| Premises licence history: | The premises has been licensed since 2012. Full details of the premises licence history can be found at Appendix 2 of the report. | | |
| Applicant submissions: | The Applicant has provided a comprehensive list of the amendments to the premises licence, which can be found at Appendix 1 of the report. | | |
| Plans: | Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee. | | |

| 1-C Layout alteration |
|---|
| Ten Room Public Restaurant to become Hotel Reception Area. The proposed capacity reduction of 90 persons. |
| First floor Member's bar to become Studio bar. There is no proposed amendment to the licensed hours or the capacity for this area. |
| First Floor Members Lounge to become Ten Room Restaurant. There is no proposed amendment to the licensed hours or the capacity for this area. |
| Private Dining Room on the 1 st Floor to become Back of House Kitchen. The proposed capacity reduction of 15 persons. |
| <p>Screening Room on the 1st Floor to become Studio Restaurant. There is no proposed amendment to the licensed hours. The current capacity for the area is 150 people; however, the proposed amendments to capacity are:</p> <ul style="list-style-type: none"> • Restaurant & Bar 90 persons • Private Events not accessible to the general public 150 persons <p>Resulting in a proposed reduction of 60 persons when the area is being used as a Restaurant & Bar with no reduction of capacity when the area is being used for Private Events.</p> |

| 1-D Conditions being varied, added or removed | |
|--|--|
| Condition | Proposed variation |
| <p><u>Ten Room – Public Restaurant</u></p> <p>Condition 12</p> <p>The sale of alcohol within the Ten Room shall only be to persons</p> <p>(a) taking a table meal, or</p> <p>(b) persons attending a pre- booked or ticketed event, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or</p> <p>(c) residents and their bona fide guests, or</p> <p>(d) persons served by waiter/waitress service whilst seated (with the exception of the hatched area as shown on the plan limited to a capacity of 10 persons) up to the hours of 01:00.</p> | <p><u>Ten Room – First Floor</u></p> <p>Propose amendment to Condition 12</p> <p>The provision of licensable activities within the Ten Room shall only be to persons</p> <p>(a) taking a table meal, or</p> <p>(b) attending a pre- booked private event; a list of such events shall be kept for 31 days for inspection by the responsible authorities, or</p> <p>(c) residents and their guests.</p> <p>Condition to be added to the operating schedule:</p> <p>Hotel Reception Area:</p> <p>The sale of alcohol within the Hotel Reception shall only be to residents and their bona fide guests.</p> |

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| <p><u>1st Floor Members' Lounge</u></p> <p>Condition 11</p> <p>The provision of licensable activities shall be restricted to:</p> <p>a) persons taking a table meal; or</p> <p>b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or</p> <p>c) residents and their guests or</p> <p>d) members of the private members club (as defined in the document headed 'Café Royal Rules of Membership 2012' or such amended Rules as submitted to the Licensing Authority from time to time) operating at the premises and their guests. No member to be allowed to bring more than four guests at any one time. There shall be a annual membership fee of at least £500 and a minimum period of 24 hours between nomination and acceptance to membership. Details of the membership register to be disclosed to the responsible authorities when requested or</p> <p>e) bona fide guests of the management or proprietor, restricted to no more than 35 persons at any time; a legible record including the full names of all guests and the person inviting the bona fide guests will be recorded at the time and retained for a minimum of 28 days for inspection by the responsible authorities.</p> | <p><u>First Floor - Studio Bar</u></p> <p>Proposed amendment to Condition 11</p> <p>The provision of licensable activities shall be restricted to:</p> <p>a) persons taking a table meal; or</p> <p>b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or</p> <p>c) residents and their guests; or</p> <p>d) persons served by waiter/waitress service whilst seated up to the hours of 03:00.</p> |
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| <p><u>1st Floor Members' Lounge</u></p> <p><u>Condition 11</u></p> <p>The provision of licensable activities shall be restricted to:</p> <p>a) persons taking a table meal; or</p> <p>b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or</p> <p>c) residents and their guests or</p> <p>d) members of the private members club (as defined in the document headed 'Café Royal Rules of Membership 2012' or such amended Rules as submitted to the Licensing Authority from time to time) operating at the premises and their guests. No member to be allowed to bring more than four guests at any one time. There shall be a annual membership fee of at least £500 and a minimum period of 24 hours between nomination and acceptance to membership. Details of the membership register to be disclosed to the responsible authorities when requested or</p> <p>e) bona fide guests of the management or proprietor, restricted to no more than 35 persons at any time; a legible record including the full names of all guests and the person inviting the bona fide guests will be recorded at the time and retained for a minimum of 28 days for inspection by the responsible authorities.</p> | <p><u>First Floor – Former Members' Lounge will become the new Ten Room Restaurant</u></p> <p><u>Proposed amendment to Condition 11</u></p> <p>The provision of licensable activities shall be restricted to:</p> <p>a) persons taking a table meal; or</p> <p>b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or</p> <p>c) residents and their guests.</p> |
| <p><u>1st Floor Members' Lounge</u></p> <p><u>Condition 11</u></p> <p>The provision of licensable activities shall be restricted to:</p> <p>a) persons taking a table meal; or</p> <p>b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or</p> <p>c) residents and their guests or</p> | <p>Removal of the condition for this area</p> |

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| <p>d) members of the private members club (as defined in the document headed 'Café Royal Rules of Membership 2012' or such amended Rules as submitted to the Licensing Authority from time to time) operating at the premises and their guests. No member to be allowed to bring more than four guests at any one time. There shall be a annual membership fee of at least £500 and a minimum period of 24 hours between nomination and acceptance to membership. Details of the membership register to be disclosed to the responsible authorities when requested or</p> <p>e) bona fide guests of the management or proprietor, restricted to no more than 35 persons at any time; a legible record including the full names of all guests and the person inviting the bona fide guests will be recorded at the time and retained for a minimum of 28 days for inspection by the responsible authorities.</p> | |
| <p><u>First Floor - Screening Room</u></p> <p>Condition 36</p> <p>The provision of licensable activities shall be restricted to:</p> <p>(a) Persons taking a table meal; or (b) Persons attending pre-booked or ticketed events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or (c) Residents and their guests.</p> | <p><u>First Floor - Studio Restaurant</u></p> <p>Proposed amendment to Condition 36</p> <p>The provision of licensable activities shall be restricted to:</p> <p>(a) Persons taking a table meal; or (b) Persons attending pre-booked or ticketed events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or (c) Residents and their guests ; or (d) persons served by waiter/waitress service whilst seated up to the hours of 01:00.</p> |
| <p><u>Condition 35</u></p> <p>The number of persons permitted shall be: Private Bar 80 persons, Private Lounge 80 persons, Private dining/reading room 15 persons.</p> | <p><u>Proposed amendment to Condition 35</u></p> <p>The number of persons permitted in the Studio restaurant shall be:</p> <p>(a) 150 persons – when used for private events (b) 90 persons – when used as a public restaurant and bar</p> |
| <p><u>Condition 33:</u></p> <p>Substantial food and non-intoxicating</p> | <p><u>TO BE REMOVED</u></p> |

beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Condition 34:

The sale of alcohol shall be by waiter/waitress service only.

TO BE REMOVED

2. Representations

| 2-A Responsible Authorities | |
|-------------------------------|---------------------|
| Responsible Authority: | Licensing Authority |
| Representative: | Miss Daisy Gadd |
| Received: | 01 March 2018 |

I write in relation to the application submitted for a variation of a premises licence for Café Royal Hotel, situated at 8 Air Street.

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 variation application being considered seeks the following:

- To change the layout of the ground and first floor of the premises
- To change the TEN room on the ground floor from restaurant to lobby
- To change the member's areas on the first floor to public restaurant and bar
- To change the first floor screening room to restaurant and bar
- To amend conditions on the licence

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, PB2, RNT2, HRS1 and HOT1.

The Licensing Authority's main concern in relation to this application is the increase in capacity for members of the public. At present, licensable activities operate until 03:00 hours Monday to Saturday, and the Licensing Authority is concerned that the intended change of clientele to allow members of the public into the premises, along with the late licensable hours, may add to cumulative impact.

A helpful site visit to the premises has taken place with the applicants to establish the relevant policies that need to be taken into consideration.

The Licensing Authority believes that this application merits a formal decision being made by Members of the Licensing Sub Committee due to the changes being proposed. Therefore please accept this as a formal representation.

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| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Toby Janes |
| Received: | 01 March 2018 |

With reference to the above application, 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 as there are insufficient conditions within the operating schedule.

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.

Can I please arrange a site meeting to discuss this application in more detail. I do not anticipate any major issues but due to the number of proposed changes to the premises licence I would like to visit the venue.

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| Responsible Authority: | Environmental Health Service |
| Representative: | Mr Dave Nevitt |
| Received: | 01 March 2018 |

I wish to make Representations on the following grounds:

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

3. Policy & Guidance

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| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy HRS1 applies: | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> |
| Policy CIP1 applies: | <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p> |
| Policy PB2 applies: | It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1. |
| Policy HOT1 applies: | <p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p> |

4. Equality Implications

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

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

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

5. Appendices

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

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| Report author: | Miss Yolanda Wade Senior Licensing Officer |
| Contact: | 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

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |
| 4 | Application | 01 February 2018 |
| 5 | Licensing Authority Representation | 01 March 2018 |
| 6 | Metropolitan Police Service Representation | 01 March 2018 |
| 7 | Environmental Health Service Representation | 01 March 2018 |

Applicant Supporting Documents

Appendix 1

Café Royal – Schedule of proposed changes – February 2018 – v.10

| Existing | | | | Proposed | | | | |
|------------------------------------|--|----------|--|----------------------|--|----------|--|---|
| Room / Area / Use | Hours | Capacity | Relevant Conditions | Room / Area / Use | Hours | Capacity | Changes | Aggregate Capacity Loss/Gain |
| Ten Room – Public Restaurant | Mon-Sat 7am-3am Sun 7am-1am | 90 | 12. The sale of alcohol within the Ten Room shall only be to persons (a) taking a table meal, or (b) persons attending a pre-booked or ticketed event, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or (c) residents and their bona fide guests, or (d) persons served by waiter/waitress service whilst seated up to the hours of 01:00*. | Hotel reception area | N/A | 0 | The sale of alcohol within the Hotel Reception shall only be to residents and their bona fide guests. - No licensable activities for members of the public | -90 |
| 1 st Floor Members' Bar | Mon-Sat 7am-3am Sun 7am-1am | 80 | 11. The provision of licensable activities shall be restricted to: a) persons taking a table meal; or b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or c) residents and their guests; or d) members of the private members club; or e) bona fide guests of the management or proprietor. | Studio Bar | Mon-Sat 7am-3am Sun 7am-1am | 80 | The provision of licensable activities shall be restricted to: a) persons taking a table meal; or b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or c) residents and their guests; or d) persons served by waiter/waitress service whilst seated up to the hours of 03:00. | Neutral *80 bar use is to be transferred from Ten Room |

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|---------------------------------------|------------------------------------|----|--|-----------------------|------------------------------------|----|---|---------|
| | | | | | | | - Members to public use (swapped from Ten Room) | |
| 1 st Floor Members' Lounge | Mon-Sat 7am-3am Sun 7am-1am | 80 | 11. The provision of licensable activities shall be restricted to: a) persons taking a table meal; or b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or c) residents and their guests; or e) members of the private members' club; or e) bona fide guests of the management or proprietor | Ten Room Restaurant | Mon-Sat 7am-3am Sun 7am-1am | 80 | The provision of licensable activities shall be restricted to: a) persons taking a table meal; or b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or c) residents and their guests. - Members to public restaurant use | Neutral |
| Private Dining Room | Mon-Sat 7am-3am Sun 7am-1am | 15 | 11. The provision of licensable activities shall be restricted to: a) persons taking a table meal; or b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or c) residents and their guests; or e) members of the private members' club; or e) bona fide guests of the management or proprietor | Back of House kitchen | N/A | 0 | | -15 |

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| Screening Room | Mon-Sat 7am-3am Sun 7am-1am | 150 | 36. The provision of licensable activities shall be restricted to: (a) Persons taking a table meal; or (b) Persons attending pre-booked or ticketed events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or (c) Residents and their guests. | Studio Restaurant | Mon-Sat 7am-3am Sun 7am-1am | Restaurant & Bar 90 Private Events 150 | The provision of licensable activities shall be restricted to: (a) Persons taking a table meal; or (b) Persons attending pre-booked or ticketed events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or (c) Residents and their guests ; or (d) persons served by waiter/waitress service whilst seated up to the hours of 01:00. | -60 (Neutral if private event) |
| TOTAL CAPACITY | | 415 | | | | 250 (or 310 for private event use) | | -165 (if not a private event) (-105 if private event) |

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|---|------------------------|------------------------------------|
| 12/06396/LIPN | Application for a Premises Licence | 13/09/2012 | Granted by Licensing Sub-Committee |
| 12/08321/LIPV | Application to vary and add a further condition in respect of the private dining room, private lounge and private bar on the first floor. | 23/10/2012 | Granted under Delegated Authority |
| 12/10298/LIPDPS | Application to vary the designated premises supervisor | 10/12/2012 | Granted under Delegated Authority |
| 13/00650/LIPV | Application to vary condition 26 of the premises licence relating to The Grill Room | 04/04/2013 | Granted by Licensing Sub-Committee |
| 13/05807/LIPV | Application to vary condition 49 of the premises licence relating to Tables and Chairs. | 18/09/2013 | Granted under Delegated Authority |
| 14/03143/LIPDPS | Application to vary the designated premises supervisor | 16/05/2014 | Granted under Delegated Authority |
| 15/00828/LIPV | Application to vary the premises licence; specifically to swap the hours and conditions in the Grill (Oscar Wilde) Room with the hours and conditions in the Ground Floor Ten room. Also to amend the plans relating to the change of the Glasshouse Street exit into a entrance/exit. | 16/04/2015 | Granted by Licensing Sub-Committee |
| 15/11836/LIPDPS | Application to vary the designated premises supervisor | 01/03/2016 | Granted under Delegated Authority |

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|-----------------|--|------------|------------------------------------|
| 16/01324/LIPV | Application to vary the premises licence to remove conditions 42 and 43 and to amend the hour in condition 44. | 31/03/2016 | Granted by Licensing Sub-Committee |
| 17/06266/LIPDPS | Application to vary the designated premises supervisor | 09/01/2018 | Granted under Delegated Authority |
| 18/01098/LIPV | Current application | | |

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.
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.

Annex 2 – Conditions consistent with the operating Schedule

First Floor Private Bar/Members Lounge, private dining/reading room

11. The provision of licensable activities shall be restricted to:
- a) persons taking a table meal; or
 - b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or
 - c) residents and their guests or
 - d) members of the private members club (as defined in the document headed 'Café Royal Rules of Membership 2012' or such amended Rules as submitted to the Licensing Authority from time to time) operating at the premises and their guests. No member to be allowed to bring more than four guests at any one time. There shall be a annual membership fee of at least £500 and a minimum period of 24 hours between nomination and acceptance to membership. Details of the membership register to be disclosed to the responsible authorities when requested or
 - e) bona fide guests of the management or proprietor, restricted to no more than 35 persons at any time; a legible record including the full names of all guests and the person inviting the bona fide guests will be recorded at the time and retained for a minimum of 28 days for inspection by the responsible authorities.

Proposed amendment to condition 11 for the First Floor Members' Bar:

The provision of licensable activities shall be restricted to:

- a) Persons taking a table meal; or
- b) Persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or
- c) Residents and their guests; or
- d) Persons served by waiter/waitress service whilst seated up to the hours of 03:00.

Proposed amendment to condition 11 for the First Floor Members' Lounge:

The provision of licensable activities shall be restricted to:

- a) Persons taking a table meal; or
- b) Persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or
- c) Residents and their guests.

Proposed amendment to condition 11 for the Private dining room:

Remove reference to the Private Dining Room in condition 11.

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

First Floor Ten Room Restaurant

12. The sale of alcohol within the Ground Floor Grill Room shall only be to persons
 - (a) taking a table meal, or
 - (b) persons attending a pre- booked or ticketed event, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - (c) residents and their bona fide guests, or
 - (d) persons served by waiter/waitress service whilst seated (with the exception of the hatched area as shown on the plan limited to a capacity of 10 persons) up to the hours of 01:00.

Proposed amendment to condition 12 for the Ten Room – Public Restaurant:

The provision of licensable activities within the Ten Room shall only be to persons

- (a) taking a table meal, or
- (b) attending a pre- booked private event; a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
- (c) residents and their guests.

Ground Floor Retail / Cafe

13. Save for the area hatched black on the plan, the sale of alcohol for consumption on the premises shall be by waiter / waitress service only and to persons seated.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available at all times in the bar where alcohol is sold or supplied.

15. Any sale of alcohol for consumption off the premises shall only be permitted in sealed containers and only until 23:00.
16. The sale, exposure for sale, or display of alcohol shall be limited to the sales area cross hatched on the plans to be submitted.
17. The number of persons permitted in the retail/cafe shall be 70 persons (excluding staff).
18. No regulated entertainment shall be provided.

Ground Floor Hotel Bar

19. The sale of alcohol shall be by waiter/waitress or bar service only.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available at all times in the bar where alcohol is sold or supplied.
21. There shall be no access to the hotel bar from the corner of Glasshouse Street/ Air Street after 24:00 hours.
22. Regulated entertainment shall be restricted to recorded music only.
23. The number of persons permitted in the Hotel Bar shall be 90 persons (excluding staff).

Oscar Wilde Bar (Grill Room) / First Floor Domino Room

24. The sale of alcohol shall be by waiter/waitress service only and to persons seated (with the exception of the hatched area as shown on the plan limited to a capacity of 10 persons).
25. Substantial food and non-intoxicating beverages, including drinking water, shall be available at all times where alcohol is sold or supplied for consumption on the premises.
26. The number of persons permitted in the Oscar Wilde Bar shall be no more than 100 persons.
27. After 01:00 admission to the Oscar Wilde Bar from Glasshouse Street shall only be to:
 - a) Persons on a Guest List, a copy of which shall be kept for 31 days for inspection by the responsible authorities; or
 - b) Guests of the management, limited to no more than 20 persons at any time, a record of the authorising manager's name and names of such guests shall be kept for 31 days for inspection by the responsible authorities.
28. After 23:00 a minimum of 1 SIA door supervisor shall be on duty at each entrance to the Oscar Wilde Bar.

29. The number of persons permitted in the Oscar Wilde Bar and or Domino room shall be: Oscar Wilde Bar 100 persons, Domino Room 70 persons.
30. The sale of alcohol within the First Floor Domino Room shall only be to persons
 - a) taking a table meal, or
 - b) persons attending a pre-booked or ticketed event, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - c) residents and their bona fide guests.

First Floor Meeting Rooms 1, 2 & 3 and Board Room

31. The sale of alcohol shall only be to persons
 - (a) taking a table meal, or
 - (b) persons attending a pre-booked private event, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - (c) residents and their bona fide guests.
32. The number of persons permitted in Meeting Room 1, 2, 3 and the Boardroom shall not exceed 430 persons.

First Floor Private Bar, Members Lounge, private dining/reading room

33. 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.

(Applicant propose Condition 33 to be removed)

34. The sale of alcohol shall be by waiter/waitress service only.

(Applicant propose Condition 34 to be removed)

35. The number of persons permitted shall be: Private Bar 80 persons, Private Lounge 80 persons, Private dining/reading room 15 persons.

Propose amendment to condition 35:

The number of persons permitted in the Studio restaurant shall be:

- (a) 150 persons – when used for private events
- (b) 90 persons – when used as a public restaurant and bar

First Floor Studio Restaurant

36. The provision of licensable activities shall be restricted to:
- (a) Persons taking a table meal; or
 - (b) Persons attending pre-booked or ticketed events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or
 - (c) Residents and their guests.

Proposed amendment to Condition 36:

The provision of licensable activities shall be restricted to:

- (a) Persons taking a table meal; or
 - (b) Persons attending pre-booked or ticketed events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or
 - (c) Residents and their guests; or
 - (d) Persons served by waiter/waitress service whilst seated up to the hours of 01:00.
37. Substantial food and non-intoxicating beverages, including drinking water, shall be available at all times in the bar where alcohol is sold or supplied.
38. The number of persons permitted in the Screening room shall be 150 persons.

Second Floor Pompadour Suite

39. The supply of alcohol within the Pompadour Suite shall only be to persons
- (a) taking a table meal, or
 - (b) persons attending pre- booked or ticketed events, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - (c) residents and their bona fide guests.
40. The number of persons permitted in the Pompadour Suite shall be 250 persons.
41. There shall be no Regulated Entertainment provided to the External Balcony area.
42. No drinks shall be permitted in the external balcony area after 03:00 hours.
Spa
43. The sale of alcohol shall be by waiter/waitress service only save for in the café as shown on the plan.
44. There shall be no glass vessels permitted within the Spa save for in the café as shown on the plan.

45. Regulated entertainment shall be restricted to recorded music only.

Whole Premises

46. The provision of licensable activities to members of the public shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
47. Patrons temporarily leaving the premises on the ground floor for the purposes of smoking shall not take any drinks of any kind with them outside the premises.
48. No goods including fuel delivered or collected by vehicles arriving at or departing from the premises shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or dispatch such goods only if they are unloaded or loaded within the curtilage of the building of the Quadrant 3 complex.
49. All tables and chairs shall be removed from the outside area at 23:00 each day.
50. The premises shall 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 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. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.
52. 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 to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
53. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
54. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
55. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
56. No waste or recyclable materials, including bottles, shall be moved, removed or placed on the public highway between the hours of 23:00 and 07:00.
57. There shall be at least one SIA licensed door supervisor at each of the entrances on Glasshouse Street/Air Street, Glasshouse Street, Air Street and Regent Street from 20:00 until the end of permitted hours.

58. Any special effects or mechanical installations shall be arranged and stored so as to minimize any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- o Dry ice and cryogenic fog
 - o Smoke machines and fog generators
 - o Pyrotechnics including fire works
 - o Firearms
 - o Lasers
 - o Explosives and highly flammable substances
 - o Real flame
 - o Strobe lighting.

59. 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 persons 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 provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

60. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
61. 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.
62. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
63. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
64. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
65. Curtains and hangings shall be arranged so as not to obstruct emergency signs, fire extinguishers or other fire fighting equipment..
66. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
67. The certificates listed below shall be submitted to the Licensing Authority upon written request.

- o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system.
68. 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.
69. The sale of alcohol shall be permitted between 0700 and 1000 Monday to Saturday and 0700 to 1200 Sundays to persons taking a table meal and as an ancillary to that meal.
70. 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.
71. 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) all ejections of patrons
 - (c) any complaints received that relate to crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system e.g. any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
72. Save for those areas already authorised in the licence to permit recorded music, all other areas on the ground floor, first floor and spa shall be permitted at all times to provide recorded music.
73. Where there is regulated entertainment in the Pompadour Suite, all doors to the external balcony shall be kept closed after midnight except for immediate access and egress.
74. The external balcony shall be supervised by a SIA door supervisor when open after midnight.
75. The external balcony will be covered by CCTV.
76. The supply of alcohol after midnight on the external balcony shall be by waiter/waitress service only.
77. The use of the external balcony after midnight shall only be open to:
- a) persons taking a table meal, or
 - b) persons attending pre-booked or ticketed events, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - c) residents and their bona fide guests.

78. The number of persons on the external balcony after midnight shall not exceed 50 at any one time, excluding staff.
79. The use of the external balcony shall only be permitted after a risk assessment has been carried out with regard to the danger of glasses, bottles or other items accidentally or deliberately falling or being thrown from the balcony. Such risk assessment shall be kept for a period of 31 days for inspection by the Responsible Authorities.

Proposed additional condition for Hotel Reception Area:

80. The sale of alcohol within the Hotel Reception shall only be to residents and their bona fide guests.



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

Schedule 12
Part A

WARD: West End
UPRN: 010033619034

Premises licence

Regulation 33, 34

Premises licence number:

17/06266/LIPDPS

Original Reference:

12/06396/LIPN

Part 1 – Premises details

Postal address of premises:

Cafe Royal Hotel
8 Air Street
London
W1B 5AB

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Sunday: 00:00 to 00:00
(Residents and their guests)

Monday to Saturday: 09:00 to 03:00
(Except ground floor retail/cafe, ground floor hotel bar and spa)

Sunday: 09:00 to 01:00

Exhibition of a Film

Monday to Sunday: 00:00 to 00:00
(Residents and their guests)

Monday to Saturday: 09:00 to 03:00
(Except ground floor retail/cafe, ground floor hotel bar and spa)

Sunday: 09:00 to 01:00

Performance of Live Music

Monday to Sunday:
(Residents and their guests) 00:00 to 00:00

Monday to Saturday:
(Except ground floor retail/cafe, ground floor hotel bar and spa) 09:00 to 03:00

Sunday: 09:00 to 01:00

Playing of Recorded Music

Monday to Sunday:
(Except ground floor retail/cafe) 00:00 to 00:00

Monday to Sunday:
(Ground floor hotel bar) 09:00 to 01:00

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

Monday to Sunday:
(Residents and their guests) 00:00 to 00:00

Monday to Saturday:
(Except ground floor retail/cafe, ground floor hotel bar and spa) 09:00 to 03:00

Sunday: 09:00 to 01:00

Performance of a Play

Monday to Sunday:
(Residents and their guests) 00:00 to 00:00

Monday to Saturday:
(Except ground floor retail/cafe, ground floor hotel bar and spa) 09:00 to 03:00

Sunday: 09:00 to 01:00

Late Night Refreshment

Monday to Sunday:
(Ground floor hotel bar) 23:00 to 01:00

Monday to Saturday: 23:00 to 03:00

Monday to Thursday:
(Spa and ground floor retail/cafe) 23:00 to 23:30

Friday to Saturday:
(Spa and ground floor retail/cafe) 23:00 to 00:00

Sunday:
(Except Spa and retail/cafe) 23:00 to 01:00

Sale by Retail of Alcohol

Monday to Sunday:
(Residents and their guests) 00:00 to 00:00

Monday to Sunday:
(Ground floor bar) 07:00 to 01:00

Monday to Saturday: 07:00 to 03:00
Monday to Thursday: 07:00 to 23:30

| | |
|---|----------------|
| (Spa and ground floor retail/cafe) | |
| Friday to Saturday: (Spa and ground floor retail/cafe) | 07:00 to 00:00 |
| Sunday: | 07:00 to 01:00 |
| Sunday: (Spa and ground floor retail/cafe) | 07:00 to 22:30 |

| | |
|---|----------------|
| The opening hours of the premises: | |
| Monday to Sunday: | 00:00 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:

Cafe Royal Management Limited
11 St Christophers Place
London
W1U 1NG

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

07791054

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

Name: Andrew Sloan

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: 16/00848/LAPER
Licensing Authority: Spelthorne borough Council

Date: 9th January 2018

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

Annex 1 – Mandatory conditions

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$
 Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

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

Annex 2 – Conditions consistent with the operating Schedule

First Floor Private Bar/ Members Lounge, private dining/reading room

11. The provision of licensable activities shall be restricted to:
- a) persons taking a table meal; or
 - b) persons attending pre-booked private events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or
 - c) residents and their guests or
 - d) members of the private members club (as defined in the document headed 'Café Royal Rules of Membership 2012' or such amended Rules as submitted to the Licensing Authority from time to time) operating at the premises and their guests. No member to be allowed to bring more than four guests at any one time. There shall be a annual membership fee of at least £500 and a minimum period of 24 hours between nomination and acceptance to membership. Details of the membership register to be disclosed to the responsible authorities when requested or
 - e) bona fide guests of the management or proprietor, restricted to no more than 35 persons at any time; a legible record including the full names of all guests and the person inviting the bona fide guests will be recorded at the time and retained for a minimum of 28 days for inspection by the responsible authorities.

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

Ten Room

12. The sale of alcohol within the Ground Floor Grill Room shall only be to persons
 - (a) taking a table meal, or
 - (b) persons attending a pre- booked or ticketed event, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - (c) residents and their bona fide guests, or
 - (d) persons served by waiter/waitress service whilst seated (with the exception of the hatched area as shown on the plan limited to a capacity of 10 persons) up to the hours of 01:00.

Ground Floor Retail / Cafe

13. Save for the area hatched black on the plan, the sale of alcohol for consumption on the premises shall be by waiter / waitress service only and to persons seated.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available at all times in the bar where alcohol is sold or supplied.
15. Any sale of alcohol for consumption off the premises shall only be permitted in sealed containers and only until 23:00.
16. The sale, exposure for sale, or display of alcohol shall be limited to the sales area cross hatched on the plans to be submitted.
17. The number of persons permitted in the retail/cafe shall be 70 persons (excluding staff).
18. No regulated entertainment shall be provided.

Ground Floor Hotel Bar

19. The sale of alcohol shall be by waiter/waitress or bar service only.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available at all times in the bar where alcohol is sold or supplied.
21. There shall be no access to the hotel bar from the corner of Glasshouse Street/ Air Street after 24:00 hours.
22. Regulated entertainment shall be restricted to recorded music only.
23. The number of persons permitted in the Hotel Bar shall be 90 persons (excluding staff).

Oscar Wilde Bar (Grill Room) / First Floor Domino Room

24. The sale of alcohol shall be by waiter/waitress service only and to persons seated (with the exception of the hatched area as shown on the plan limited to a capacity of 10 persons).
25. Substantial food and non-intoxicating beverages, including drinking water, shall be available at all times where alcohol is sold or supplied for consumption on the premises.
26. The number of persons permitted in the Oscar Wilde Bar shall be no more than 100 persons.

27. After 01:00 admission to the Oscar Wilde Bar from Glasshouse Street shall only be to:
 - a) Persons on a Guest List, a copy of which shall be kept for 31 days for inspection by the responsible authorities; or
 - b) Guests of the management, limited to no more than 20 persons at any time, a record of the authorising manager's name and names of such guests shall be kept for 31 days for inspection by the responsible authorities.
28. After 23:00 a minimum of 1 SIA door supervisor shall be on duty at each entrance to the Oscar Wilde Bar.
29. The number of persons permitted in the Oscar Wilde Bar and or Domino room shall be: Oscar Wilde Bar 100 persons, Domino Room 70 persons.
30. The sale of alcohol within the First Floor Domino Room shall only be to persons
 - a) taking a table meal, or
 - b) persons attending a pre-booked or ticketed event, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - c) residents and their bona fide guests.

First Floor Meeting Rooms 1, 2 & 3 and Board Room

31. The sale of alcohol shall only be to persons
 - (a) taking a table meal, or
 - (b) persons attending a pre-booked private event, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - (c) residents and their bona fide guests.
32. The number of persons permitted in Meeting Room 1, 2, 3 and the Boardroom shall not exceed 430 persons.

First Floor Private Bar, Members Lounge, private dining/reading room

33. 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.
34. The sale of alcohol shall be by waiter/waitress service only.
35. The number of persons permitted shall be: Private Bar 80 persons, Private Lounge 80 persons, Private dining/reading room 15 persons.

First Floor Screening Room

36. The provision of licensable activities shall be restricted to:
 - (a) Persons taking a table meal; or
 - (b) Persons attending pre-booked or ticketed events; a list of such events shall be kept for 31 days for inspection by the responsible authorities; or
 - (c) Residents and their guests.
 37. Substantial food and non-intoxicating beverages, including drinking water, shall be available at all times in the bar where alcohol is sold or supplied.
 38. The number of persons permitted in the Screening room shall be 150 persons.
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Second Floor Pompadour Suite

39. The supply of alcohol within the Pompadour Suite shall only be to persons
 - (a) taking a table meal, or
 - (b) persons attending pre- booked or ticketed events, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - (c) residents and their bona fide guests.
40. The number of persons permitted in the Pompadour Suite shall be 250 persons.
41. There shall be no Regulated Entertainment provided to the External Balcony area.
42. No drinks shall be permitted in the external balcony area after 03:00 hours.
Spa
43. The sale of alcohol shall be by waiter/waitress service only save for in the café as shown on the plan.
44. There shall be no glass vessels permitted within the Spa save for in the café as shown on the plan.
45. Regulated entertainment shall be restricted to recorded music only.

Whole Premises

46. The provision of licensable activities to members of the public shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
 47. Patrons temporarily leaving the premises on the ground floor for the purposes of smoking shall not take any drinks of any kind with them outside the premises.
 48. No goods including fuel delivered or collected by vehicles arriving at or departing from the premises shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or dispatch such goods only if they are unloaded or loaded within the curtilage of the building of the Quadrant 3 complex.
 49. All tables and chairs shall be removed from the outside area at 23:00 each day.
 50. The premises shall 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 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. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.
 52. 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 to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.
 53. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
 54. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
-

55. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 56. No waste or recyclable materials, including bottles, shall be moved, removed or placed on the public highway between the hours of 23:00 and 07:00.
 57. There shall be at least one SIA licensed door supervisor at each of the entrances on Glasshouse Street/Air Street, Glasshouse Street, Air Street and Regent Street from 20:00 until the end of permitted hours.
 58. Any special effects or mechanical installations shall be arranged and stored so as to minimize any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - o Dry ice and cryogenic fog
 - o Smoke machines and fog generators
 - o Pyrotechnics including fire works
 - o Firearms
 - o Lasers
 - o Explosives and highly flammable substances
 - o Real flame
 - o Strobe lighting.
 59. 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 persons 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 provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
 60. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
 61. 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.
 62. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
 63. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
 64. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
 65. Curtains and hangings shall be arranged so as not to obstruct emergency signs, fire extinguishers or other fire fighting equipment..
 66. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
-

67. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system.
68. 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.
69. The sale of alcohol shall be permitted between 0700 and 1000 Monday to Saturday and 0700 to 1200 Sundays to persons taking a table meal and as an ancillary to that meal.
70. 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.
71. 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) all ejections of patrons
 - (c) any complaints received that relate to crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system e.g. any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
72. Save for those areas already authorised in the licence to permit recorded music, all other areas on the ground floor, first floor and spa shall be permitted at all times to provide recorded music.
73. Where there is regulated entertainment in the Pompadour Suite, all doors to the external balcony shall be kept closed after midnight except for immediate access and egress.
74. The external balcony shall be supervised by a SIA door supervisor when open after midnight.
75. The external balcony will be covered by CCTV.
76. The supply of alcohol after midnight on the external balcony shall be by waiter/waitress service only.
77. The use of the external balcony after midnight shall only be open to:
- a) persons taking a table meal, or
 - b) persons attending pre-booked or ticketed events, a list of such events shall be kept for 31 days for inspection by the responsible authorities, or
 - c) residents and their bona fide guests.
78. The number of persons on the external balcony after midnight shall not exceed 50 at any one time, excluding staff.
79. The use of the external balcony shall only be permitted after a risk assessment has been carried out with regard to the danger of glasses, bottles or other items accidentally or deliberately falling or being thrown from the balcony. Such risk
-

assessment shall be kept for a period of 31 days for inspection by the Responsible Authorities.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 010033619034

Premises licence
summary

Regulation 33, 34

Premises licence number:

17/06266/LIPDPS

Part 1 – Premises details

Postal address of premises:

Cafe Royal Hotel
8 Air Street
London
W1B 5AB

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Sunday: 00:00 to 00:00
(Residents and their guests)

Monday to Saturday: 09:00 to 03:00
(Except ground floor retail/cafe, ground floor hotel bar and spa)

Sunday: 09:00 to 01:00

Exhibition of a Film

Monday to Sunday: 00:00 to 00:00
(Residents and their guests)

Monday to Saturday: 09:00 to 03:00

| | |
|--|----------------|
| (Except ground floor retail/cafe, ground floor hotel bar and spa) | |
| Sunday: | 09:00 to 01:00 |
| Performance of Live Music | |
| Monday to Sunday: (Residents and their guests) | 00:00 to 00:00 |
| Monday to Saturday: (Except ground floor retail/cafe, ground floor hotel bar and spa) | 09:00 to 03:00 |
| Sunday: | 09:00 to 01:00 |
| Playing of Recorded Music | |
| Monday to Sunday: (Except ground floor retail/cafe) | 00:00 to 00:00 |
| Monday to Sunday: (Ground floor hotel bar) | 09:00 to 01:00 |
| Anything of a similar description to Live Music, Recorded Music or Performance of Dance | |
| Monday to Sunday: (Residents and their guests) | 00:00 to 00:00 |
| Monday to Saturday: (Except ground floor retail/cafe, ground floor hotel bar and spa) | 09:00 to 03:00 |
| Sunday: | 09:00 to 01:00 |
| Performance of a Play | |
| Monday to Sunday: (Residents and their guests) | 00:00 to 00:00 |
| Monday to Saturday: (Except ground floor retail/cafe, ground floor hotel bar and spa) | 09:00 to 03:00 |
| Sunday: | 09:00 to 01:00 |
| Late Night Refreshment | |
| Monday to Sunday: (Ground floor hotel bar) | 23:00 to 01:00 |
| Monday to Saturday: | 23:00 to 03:00 |
| Monday to Thursday: (Spa and ground floor retail/cafe) | 23:00 to 23:30 |
| Friday to Saturday: (Spa and ground floor retail/cafe) | 23:00 to 00:00 |
| Sunday: (Except Spa and retail/cafe) | 23:00 to 01:00 |
| Sale by Retail of Alcohol | |
| Monday to Sunday: (Residents and their guests) | 00:00 to 00:00 |
| Monday to Sunday: (Ground floor bar) | 07:00 to 01:00 |

| | |
|---|----------------|
| Monday to Saturday: | 07:00 to 03:00 |
| Monday to Thursday: (Spa and ground floor retail/cafe) | 07:00 to 23:30 |
| Friday to Saturday: (Spa and ground floor retail/cafe) | 07:00 to 00:00 |
| Sunday: | 07:00 to 01:00 |
| Sunday: (Spa and ground floor retail/cafe) | 07:00 to 22:30 |

The opening hours of the premises:

Monday to Sunday: 00:00 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:

Cafe Royal Management Limited
11 St Christophers Place
London
W1U 1NG

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

07791054

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

Name: Andrew Sloan

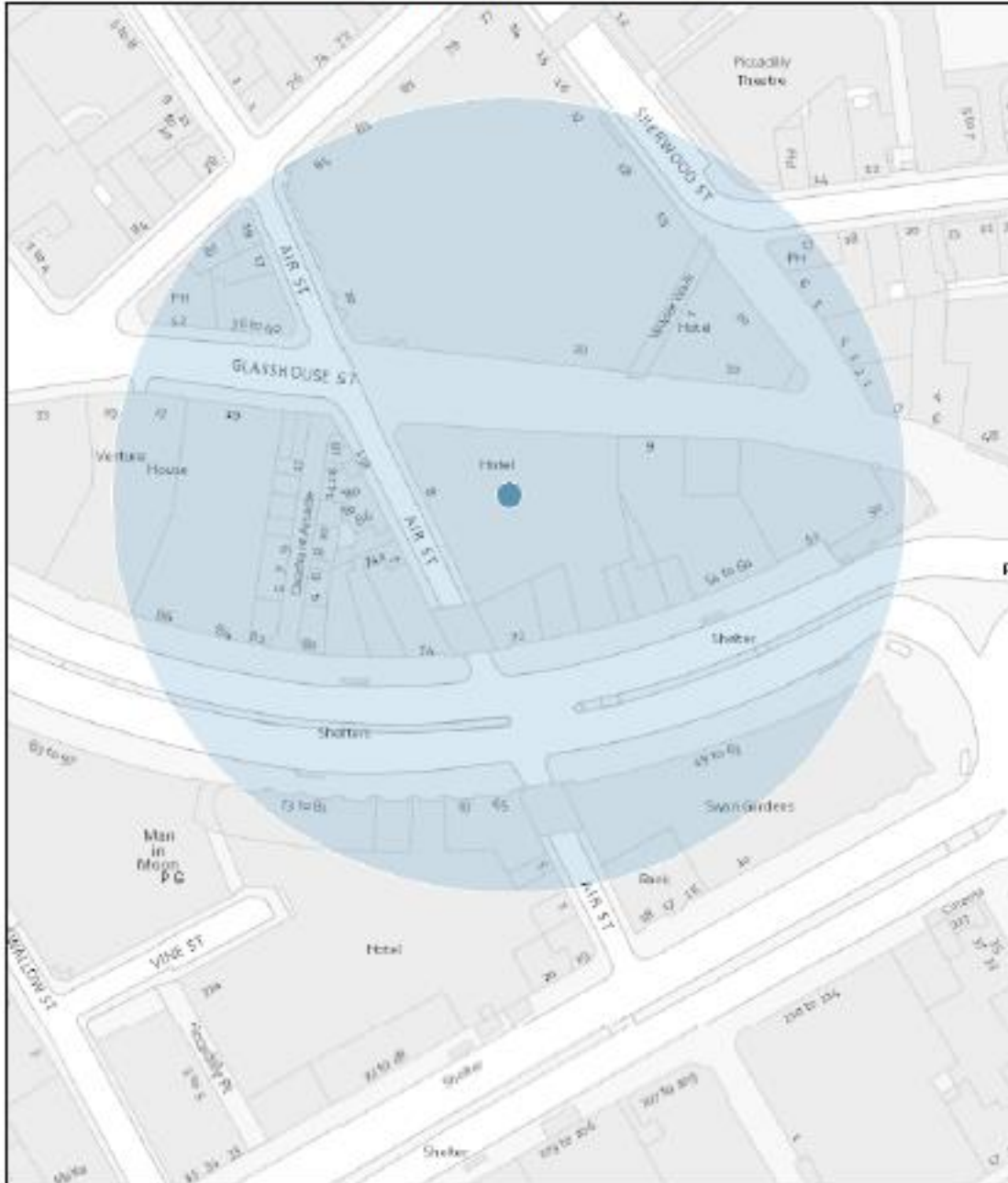
State whether access to the premises by children is restricted or prohibited:

Restricted

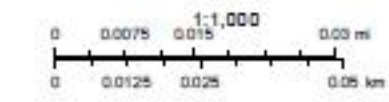
Date: 9th January 2018

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

Cafe Royal Hotel - 8 Air Street



March 23, 2018



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Resident count: 16

| Licence Number | Trading Name | Address | Premises Type | Time Period |
|---------------------|--|--|----------------------------------|---|
| 17/06266/LIPDPS | Cafe Royal Hotel | 8 Air Street London W1B 5AB | Hotel, 4+ star or major chain | Monday to Sunday; 00:00 - 00:00 |
| 17/05663/LIPV | Wholefoods | 20 Glasshouse Street London W1B 5AR | Shop | Monday to Friday; 07:30 - 22:30 Saturday; 09:00 - 22:30 Sunday; 12:00 - 18:30 |
| 15/11870/LIPDPS | Wholefoods | 20 Glasshouse Street London W1B 5AR | Shop | Monday to Friday; 07:30 - 22:00 Saturday; 09:00 - 22:00 Sunday; 12:00 - 18:00 |
| 17/10677/LIPDPS | Brasserie Zedel | 20 Sherwood Street London W1F 7ED | Restaurant | Monday to Sunday; 08:00 - 01:00 |
| 15/03459/LIPCH | Prezzo | Ground Floor 36 - 38 Glasshouse Street London W1B 5DL | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 12/05930/LIPN | Hawksmoor (entrance 5a Air Street) | First Floor 65 Regent Street London W1B 4EA | Restaurant | Monday to Saturday; 09:00 - 02:30 |
| 06/13166/WCCM AP | 17 Air Street | Ground Floor 17 Air Street London W1B 5AF | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |

| | | | | |
|-----------------|------------------------------|--|--------------------------------|---|
| 16/00994/LIPRW | The Glassblower Public House | The Glass Blower 42 Glasshouse Street London W1B 5DW | Public house or pub restaurant | Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sunday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00 |
| 15/04799/LIPDPS | Caffe Concerto | 79-81 Regent Street London W1B 4DZ | Cafe | Monday to Saturday; 08:00 - 23:30 Sunday; 08:00 - 22:30 |
| 17/02406/LIPN | Mister Lasagna | 5 Air Street London W1J 0AD | Restaurant | Monday to Saturday; 07:00 - 23:00 Sunday; 01:00 - 22:30 |
| 17/09822/LIPCH | Shoryu Go | 19 Air Street London W1B 5AG | Restaurant | Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30 |
| 16/01915/LIPDPS | Rapha Racing | 85 Brewer Street London W1F 9ZN | Shop | Monday to Sunday; 08:00 - 21:00 |

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|--------------------|---|
| Item No: | |
| Date: | 5 April 2018 |
| Licensing Ref No: | 18/01482/LIPN - New Premises Licence |
| Title of Report: | West End Metro Ground Floor 38 Great Windmill Street London W1D 7LU |
| 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: ywade@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|----------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 9 February 2018 | | |
| Applicant: | Mr Sadrudin Shahbuddin | | |
| Premises: | West End Metro | | |
| Premises address: | Ground Floor 38 Great Windmill Street London W1D 7LU | Ward: | West End |
| | | Cumulative Impact Area: | West End |
| Premises description: | The premises currently operates as a Newsagent and convenience store that wishes to add retail sale of alcohol for consumption off the premises. | | |
| Premises licence history: | This is a new premises licence and therefore no history exists. | | |
| Applicant submissions: | <p>According to the application the premises is a mini convenience store mainly sells soft drinks, sandwiches, confectioneries and news, greeting cards, tobacco etc.</p> <p>There has been a demand for wines from local offices as a gift to someone or office parties.</p> <p>The shop would like to have alcohol available for local customers who visit the shop.</p> <p>The premises have open plan, with good lighting system, and CCTV installed already. Alcohol would form a small part of the business and it will be displayed away from other soft drinks in a separate fridge and cabinets.</p> <p>The alcohol will be stored in lockable cabinets and fridge outside of the alcohol opening hours.</p> | | |
| Plans | Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee. | | |

| Sale by retail of alcohol | | | | On or off sales or both: | | | Off |
|---------------------------|-------|-------|-------|--------------------------|-------|-------|-------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 10:00 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 22:30 |

| Hours premises are open to the public | | | | | | | |
|--|------------|-------------|------------|-------------|------------|------------|------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 02:00 | 02:00 | 02:00 | 02:00 | 02:00 | 02:00 | 02:00 |

2. Representations

| 2-A Responsible Authorities | |
|--|---------------------|
| Responsible Authority: | Licensing Authority |
| Representative: | Ms Daisy Gadd |
| Received: | 06 March 2018 |
| <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"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm <p>The premises is located within the West End Cumulative Impact area and as such various policy points must be considered, namely CIP1 and OS2.</p> <p>Paragraph 2.5.26 of the Council's Statement of Licensing Policy 2016 states that "the council is concerned that alcohol loading from off licence sales is a significant problem in the West End and adversely affects the licensing objectives". The Licensing Authority acknowledges that the applicant has offered conditions that go some way in mitigating the potential adverse effects on the licensing objectives; however, the applicant must also demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas. Unless the applicant can satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted it will be for Licensing Sub-Committee Members to determine this application given its location within the West End Cumulative Impact area.</p> <p>Please accept this as a formal representation.</p> | |

| | |
|-------------------------------|--|
| Responsible Authority: | Metropolitan Police Service (Withdrawn) |
| Representative: | PC Reaz Guerra |
| Received: | 15 March 2018 |

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.

The venue is situated in the West End Cumulative Impact, 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.

There is insufficient detail within the operating schedule to promote the Licensing Objectives.

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.

It is for these reasons that we are objecting to the application.

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

| | |
|-------------------------------|---|
| Responsible Authority: | Environmental Health Service (Withdrawn) |
| Representative: | Mr Dave Nevitt |
| Received: | 15 March 2018 |

I wish to make Representations on the following grounds:

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

Following the Applicant's agreement of the conditions proposed by the Police and those offered within the operating schedule, EH have withdrawn their representation.

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 CIP1 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 OS2 applies | Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas. |

4. Equality Implications

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

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

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

5. Appendices

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

| | |
|-----------------------|---|
| Report author: | Miss Yolanda Wade Senior Licensing Officer |
| Contact: | 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

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |
| 4 | Application | 09 February 2018 |
| 5 | Licensing Authority | 06 March 2018 |
| 6 | Metropolitan Police Service (Withdrawn) | 15 March 2018 |
| 7 | Environmental Health Service (Withdrawn) | 15 March 2018 |

There is no licence or appeal history for the premises.

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. All sales of alcohol for consumption off the premises shall be sealed containers only, and shall not be consumed on the premises.
- 7. No licensable activities shall take place at the premises until the premises has been assess
- 8. The promise 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 the police or an authorised officer throughout the preceding 31 day period.
- 9. A staff member staff 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.
- 10. Outside the hours authorised for the sale of alcohol, all alcohol within the trading area to be secured behind locked grilles/ screens or secured behind locked cabinet doors so as to prevent access to the alcohol by both customers and staff save for restocking.

Amended condition as requested by the Police

- 10a. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
11. 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 driving licence, passport or proof of age card with the PASS Hologram.
12. The premise shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder: sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc.) prior to being allowed to sell alcohol.

Amended condition as requested by Police to replace conditions 11 & 12

The licence holder shall ensure that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.

13. No single cans or bottles of beer, lager cider or spirit mixtures to be sold.

Amended condition as requested by the Police

- 13a. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

Conditions proposed by the Police and agreed by the Application to form part of the operating schedule

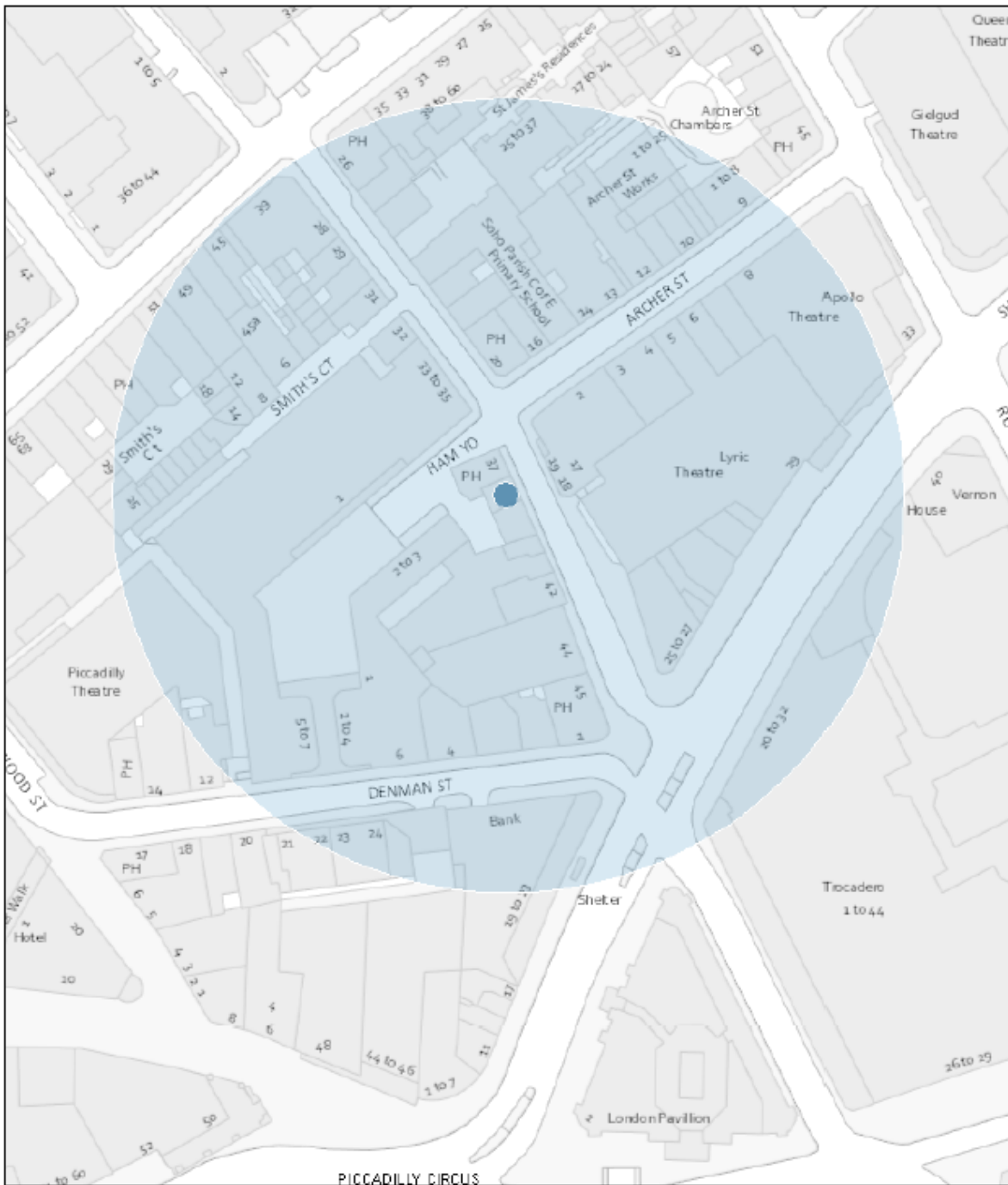
14. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
15. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
16. No miniature bottles of spirits of below 35cl shall be sold from the premises.
17. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
18. 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.
19. All cashiers will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.
20. 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 refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

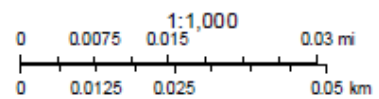
21. On the Day of London Pride:-

- i. Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.
- ii. The premises will not externally advertise local promotions of alcohol.
- iii. No sales of alcohol in bottles or glass containers are made during this period.
- iv. Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.

West End Metro - 38 Great Windmill Street



March 22, 2018



Resident Count: 147

| Licence Number | Trading Name | Address | Premises Type | Time Period |
|-----------------|---------------------------|--|--------------------------------------|--|
| 14/07220/LIPN | (Restaurant) | Basement And Ground Floor 39 Great Windmill Street London W1D 7LX | Restaurant | Monday to Saturday; 11:00 - 01:00 Sunday; 11:00 - 00:00 |
| 14/08609/LIDPSR | The Lyric Public House | 37 Great Windmill Street London W1D 7LT | Public house or pub restaurant | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00 |
| 16/08679/LIPT | The Lyric Public House | 37 Great Windmill Street London W1D 7LT | Public house or pub restaurant | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 |
| 09/02935/LIPV | The Windmill | 17-19 Great Windmill Street London W1D 7LQ | Night clubs and discos | Monday to Saturday; 09:00 - 05:30 Sunday; 09:00 - 03:00 |

| | | | | |
|-----------------|------------------------|--|--------------------------------------|---|
| 15/12078/LIPDPS | Engawa | 2 Ham Yard London W1D 7DT | Restaurant | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 |
| 18/00892/LIPVM | Ham Yard Hotel | Ham Yard Hotel 1 Ham Yard London W1D 7DT | Hotel, 4+ star or major chain | Not Recorded; XXXX - XXXX |
| 17/00087/LIPT | Sophie's Steakhouse | 42 - 44 Great Windmill Street London W1D 7LU | Restaurant | Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 23:00 |
| 17/15045/LIPDPS | Sophies | 42 - 44 Great Windmill Street London W1D 7LU | Restaurant | Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 23:00 |
| 16/12867/LIPCH | Be At One | 20 Great Windmill Street London W1D 7LA | Public house or pub restaurant | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:50 |

| | | | | |
|-----------------|---------------------------------|--|---------------------------|---|
| 14/01113/LIPDPS | Archer Street | Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP | Night clubs and discos | Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 09:00 - 00:00 |
| 16/03531/LIPVM | Archer Street | Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP | Night clubs and discos | Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 09:00 - 00:00 |
| 08/06982/LIPDPS | Lyric Theatre | Avenue House 25-27 Shaftesbury Avenue London W1D 7EG | Theatre | Monday to Sunday; 09:00 - 00:00 |
| 17/11682/LIPVM | Shaftesbury Food And Wine | Ground Floor Middle Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ | Shop | Monday to Sunday; 07:00 - 01:00 |

| | | | | |
|-----------------|----------------------|---|------------|--|
| 16/06157/LIPT | McDonald's | Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ | Restaurant | Monday to Thursday; 05:00 - 00:00 Friday to Saturday; 05:00 - 01:00 Sunday; 05:00 - 23:00 |
| 17/02349/LIPDPS | Soju Restaurant | 32 Great Windmill Street London W1D 7LR | Restaurant | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 |
| 11/00199/LIPT | Melati Restaurant | 21 Great Windmill Street London W1D 7LB | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |

| | | | | |
|-----------------|-------------------------------|---|--------------------------------|---|
| 15/09941/LIPVM | St James' Tavern Public House | 45 Great Windmill Street London W1D 7NE | Public house or pub restaurant | Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30 Sundays before Bank Holidays; 07:00 - 00:00 |
| 17/09833/LIPCH | Shoryu Soho | 2-3 Denman Street London W1D 7HA | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 06/06847/WCCMAP | Chilli Shaker Indian Cuisine | 4 Denman Street London W1D 7HD | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 16/02858/LIPVM | Andina | 31 Great Windmill Street London W1D 7LP | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |

| | | | | |
|-----------------|-------------------------|--|-------------------------------|---|
| 17/08789/LIPDPS | Bocca Di Lupo | Ground Floor 12 Archer Street London W1D 7BB | Restaurant | Monday to Saturday; 07:30 - 00:00 Sunday; 11:00 - 23:30 |
| 10/10055/LIPRW | Gelupo | 7 Archer Street London W1D 7AU | Cafe | Tuesday to Saturday; 11:00 - 01:00 Sunday to Wednesday; 11:00 - 23:00 |
| 15/02567/LIPVM | Blacklock | 25 Great Windmill Street London W1D 7LH | Restaurant | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 22:30 |
| 17/09357/LIPN | Fiorucci | 39-43 Brewer Street London W1F 9UD | Shop | Saturday to Sunday; 08:00 - 20:00 |
| 17/09581/LIPDPS | Rainforest Cafe | 20-24 Shaftesbury Avenue London W1D 7EU | Restaurant | Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 03:00 |
| 12/00344/LIPVM | Golden Nugget Casino | 22-32 Shaftesbury Avenue London W1D 7EU | Casino or gambling club | Monday to Saturday; 10:00 - 06:30 Sunday; 12:00 - 06:30 |

| | | | | |
|-----------------|--------------------------------|--|--------------------------------|---|
| 17/10791/LIPDPS | Rainforest Cafe | 20-24 Shaftesbury Avenue London W1D 7EU | Restaurant | Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 03:00 |
| 15/06012/LIPCH | Duke Of Argyll Public House | 37 Brewer Street London W1F 0RY | Public house or pub restaurant | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 17/12672/LIPDPS | Duke Of Argyll Public House | 37 Brewer Street London W1F 0RY | Public house or pub restaurant | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 17/02730/LIPDPS | Glasshouse Stores Public House | 55 Brewer Street London W1F 9UJ | Public house or pub restaurant | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 16/07291/LIPDPS | Glasshouse Stores Public House | 55 Brewer Street London W1F 9UJ | Public house or pub restaurant | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 14/05537/LIPVM | Apollo Theatre | Apollo Theatre 31-33 Shaftesbury Avenue London W1D 7EA | Theatre | Monday to Sunday; 09:00 - 00:00 |

| | | | | |
|----------------|---------------------------|--|--------------|---|
| 10/06471/LIPRW | Scoop Fine Italian Gelato | 53 Brewer Street London W1F 9UD | Shop | Monday to Sunday; 11:00 - 22:00 Monday to Sunday; 10:00 - 02:00 |
| 18/01374/LIPT | The Dog House | 23B Shaftesbury Avenue London W1D 7EF | Restaurant | Monday to Saturday; 10:00 - 05:00 Sunday; 12:00 - 05:00 |
| 18/01377/LIPT | The Diner | 19 Shaftesbury Avenue London W1D 7ED | Restaurant | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00 |
| 17/09836/LIPCH | Japan Centre | 19 Shaftesbury Avenue London W1D 7ED | Shop | Monday to Saturday; 08:00 - 23:30 Sunday; 12:00 - 23:00 |
| 10/03172/LIPN | Kim's Mart | 24-25 Denman Street London W1D 7HS | Shop (large) | Monday to Sunday; 09:00 - 22:00 |

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| Item No: | |
| Date: | 5 April 2018 |
| Licensing Ref No: | 18/01047/LIPN - New Premises Licence |
| Title of Report: | Ahi Poke 11 Sir Simon Milton Square City Of Westminster London SW1E 5DJ |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | St James's |
| 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: ywade@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 31 January 2018 | | |
| Applicant: | Double Seven Hospitality Ltd | | |
| Premises: | Ahi Poke | | |
| Premises address: | 11 Sir Simon Milton Square City Of Westminster London SW1E 5DJ | Ward: | St James's |
| | | Cumulative Impact Area: | None |
| Premises description: | The premises will operate as a food retail takeaway business with the offer of alcohol been available for off sales. | | |
| Premises licence history: | This is a new premises application so a premises licence history does not exist. | | |
| Applicant submissions: | <p>The premises is part of the new Nova Development over 2 floors. It comprises of a Basement that has office space and a prep kitchen.</p> <p>Ground floor with a service counter and high tables and seating for 16 people.</p> <p>All of the products are takeaway and there is no seating inside of the premises, just 12 seats outside on our demise.</p> <p>The alcoholic item that we are looking to sell is just a beer in a can, no other wines or spirits.</p> | | |
| Plan | Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee. | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|-------------|------------|----------------------------------|------------|------------|----------------|
| Regulated entertainment | | | | Indoors, outdoors or both | | | Indoors |
| Playing of recorded music: | | | | | | | |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 11:30 | 11:30 | 11:30 | 11:30 | 11:30 | 11:30 | 11:30 |
| End: | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 |

| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
|----------------------------------|------------|-------------|------------|---------------------------------|------------|------------|-------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 11:30 | 11:30 | 11:30 | 11:30 | 11:30 | 11:30 | 11:30 |
| End: | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 |

| Hours premises are open to the public | | | | | | | |
|--|------------|-------------|------------|-------------|------------|------------|------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 11:30 | 11:30 | 11:30 | 11:30 | 11:30 | 11:30 | 11:30 |
| End: | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 |

2. Representations

| 2-A Responsible Authorities | |
|-------------------------------|----------------------------------|
| Responsible Authority: | The Environmental Health Service |
| Representative: | Mr Maxwell Kudoah |
| Received: | 7 th March 2018 |

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

This representation is based on a ground floor plan showing an external seating area submitted with the operating schedule.

The applicant is seeking the following licensable activities:

1. Playing of recorded music “Indoors” Monday to Sunday from 11:30 to 21:00 hours
2. Supply of alcohol for consumption “On & Off” the premises Monday to Sunday from 11:30 to 21:00 hours

I wish to make the following representations:

1. The time requested to play recorded music may have the likely effect of increasing Public Nuisance within the area.
2. The supply of alcohol and the hours requested may have the likely effect of increasing Public Nuisance and impact on Public Safety within the area.

The application makes reference to seating for 16 persons on the ground floor and external area but this has not been adequately shown on the accompanying floor plans.

As presented, the application does not comply with para 6.11 (a) & Table 10 of BS6465-1:2006 as there are no toilet provision for 16 seated persons at the premises. will be discussed further during site visit/meeting.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

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

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 PB1 applies: | 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. Equality Implications

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

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

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

5. Appendices

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

| | |
|-----------------------|---|
| Report author: | Miss Yolanda Wade Senior Licensing Officer |
| Contact: | 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

| | | |
|----------|---|-------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |
| 4 | Application Form | 31 st January 2018 |
| 5 | The Environmental Health Service- representation | 7 th March 2018 |

Applicant Supporting Documents

Appendix 1

None received

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

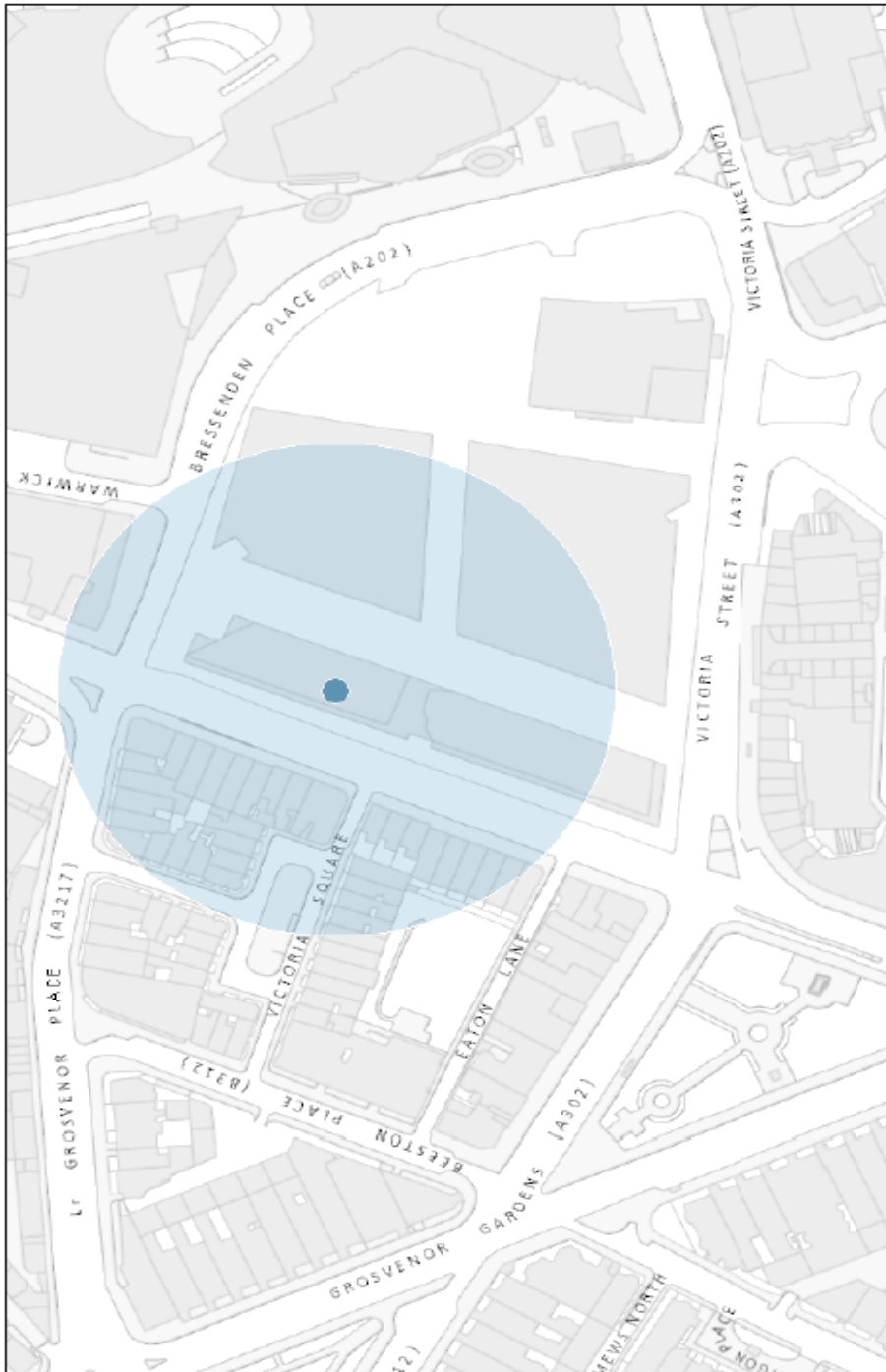
10. The premises have a comprehensive CCTV system. The CCTV system continually recorded whilst the premises are open for licensable activities and during all times when customers remain on the premise.
11. A staff member who is conversant with the operation of the CCTV system shall be on the premises, and made available on request. It 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 seizures of drugs or offensive weapons.
12. All staff employed at the premises will receive safety training to ensure working methods are adopted and staff are trained in evacuation procedures in the event of a fire.
13. When people with disabilities are present, adequate arrangements shall exist to enable their safety evacuation in the event of an emergency.
14. All escape routes that exist shall be kept unobstructed in good order with non slippery and even surfaces.
15. All exit doors whenever the premises are occupied shall be easily openable in the case of an emergency without the use of a key, card or code.
16. A challenge of 25 proof of age scheme shall be operated at the premises where only acceptable forms of ID are recognised identification cards such as driving licence, passport or proof of age cards with the hologram.
17. A record shall be kept detailing the refused sales of alcohol. This record shall be available for inspection by the police or an authorised office of the city council, and staff shall be trained in evacuation procedures in the event of a fire.
18. When people with disabilities are present, adequate arrangements shall exist to enable their safety evacuation in the event of an emergency.
19. Safety checks shall be carried out on a regular basis and these shall correspond with risk assessments and conditions of the licence.
20. All details of the checks will be kept in a log book.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Conditions proposed by the Environmental Health

22. There shall be no sale of draught beer at the premises
23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. Food comprising of light meals 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
25. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol served by way of waiter/waitress who are seated at tables within the within the designated external seating areas shown on the attached plan (*edged and/or cross-hatched/CLEAR MARKING to be confirmed if granted*)
26. All outside tables and chairs within the dedicated ground floor outside seating area shall be rendered unusable by 23.00 hours each day
27. 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
28. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
29. Other than where deliveries take place in accordance with the NOVA development delivery arrangements allowing delivery to the dedicated basement delivery area no deliveries to the premises shall take place between 23.00 and 08.00 on the following day
30. Other than where refuse is disposed of and collected in accordance with the NOVA refusal collection arrangements allowing collections from the dedicated basement area, all waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times

Residential Map and List of Premises in the Vicinity Appendix 4

Ahi Poke 11 Sir Simon Milton Square City Of Westminster



March 22, 2018

Resident Count: 37

| DISTANCE | OBJECTID | Licence Number | Trading Name | Address | Premises Type | Time Period |
|-----------------|-----------------|-----------------------|------------------------------|---|----------------------|--|
| 34.82289252 | 56976 | 15/10863/LIPT | New Noodle Noodle Restaurant | Basement And Ground Floor 18 Buckingham Palace Road London SW1W 0QP | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 35.87202688 | 10706 | 06/08996/WCCMAP | Cafe Paninni | 20 Buckingham Palace Road London SW1W 0QP | Shop | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 44.82559764 | 38559 | 17/00606/LIPVM | Maverick | Basement And Ground Floor 14 Buckingham Palace Road London SW1W 0QP | Restaurant | Monday to Wednesday; 08:00 - 00:30 Thursday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:00 |
| 44.82559764 | 38560 | 18/01261/LIPT | Maverick | Basement And Ground Floor 14 Buckingham Palace Road London SW1W 0QP | Restaurant | Monday to Wednesday; 08:00 - 00:30 Thursday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:00 |

| | | | | | | |
|-------------|-------|-----------------|-------------------|---|--------------------------------|---|
| 50.66601314 | 159 | 16/05638/LIPCH | Bag O Nails | 6 Buckingham Palace Road London SW1W 0QP | Public house or pub restaurant | Monday to Thursday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 23:30 Sunday; 10:00 - 22:30 Sundays before Bank Holidays; 10:00 - 00:00 |
| 61.87306926 | 66281 | 17/03674/LIPT | Cafe Bella Maria | Basement And Ground Floor 4 Lower Grosvenor Place London SW1W 0EJ | Cafe | Monday to Sunday; 07:00 - 20:00 |
| 62.38466186 | 49894 | 07/00877/WCCMAP | L'arco Restaurant | Ground Floor 79 Buckingham Palace Road London SW1W 0QJ | Restaurant | Monday to Sunday; 10:00 - 02:00 |

| | | | | | | |
|-------------|-------|-----------------|--------------------|---|------------|--|
| 68.18534387 | 10656 | 15/08563/LIPDPS | Tiles Wine Bar | 36 Buckingham Palace Road London SW1W ORE | Restaurant | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 70.04498095 | 10886 | 17/04365/LIPDPS | The Stoke House | 81 Buckingham Palace Road London SW1W 0QJ | Restaurant | Monday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 23:00 |
| 70.15696396 | 10802 | 09/00829/LIPDPS | BBAR | 43 Buckingham Palace Road London SW1W OPP | Wine bar | Monday to Saturday; 12:00 - 00:30 Sunday; 12:00 - 00:00 |
| 71.60160889 | 50147 | 11/06678/LIPN | Patisserie Valerie | Basement And Ground Floor 38 Buckingham Palace Road London SW1W ORE | Restaurant | Monday to Sunday; 06:00 - 00:00 |

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