



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 18th October, 2018**

Time: **10.00 am**

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

Members: **Councillors:**

Murad Gassanly (Chairman)  
Heather Acton  
Aicha Less

**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, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services 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. 1 WESTBOURNE GROVE TERRACE, LONDON, W2 5SD

(Pages 1 - 18)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bayswater Ward/ Bayswater Cumulative Impact Area	1 Westbourne Grove Terrace London W2 5SD	New Premises Licence	18/04010/LIPN

#### 2. 29 BERNERS STREET, LONDON, W1T 3LR

(Pages 19 - 36)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward/ Not in	29 Berners Street, London, W1T	New Premises Licence	18/09908/LIPN

	Cumulative Impact Area	3LR		
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**3. HEAVEN, THE ARCHES, LONDON, WC2N 6NG**

**(Pages 37 - 72)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward/ Core CAZ North	Heaven, The Arches, London, WC2N 6NG	Sex Establishme nt Licence	18/08991/LISE VR

**4. 1 MARYLEBONE ROAD, LONDON, NW1 4AQ**

**(Pages 73 -  
102)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Marylebone High Street/ Not in Cumulative Impact Area	1 Marylebone Road, London, NW1 4AQ	New Premises Licence	18/09845/LIPN

**Stuart Love  
Chief Executive  
12 October 2018**

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

### **POLICY CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7<sup>th</sup> January 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2016)

- 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.

# Licensing Sub-Committee

## Report

### Agenda Item 1

Item No:	
Date:	18 October 2018
Licensing Ref No:	18/04010/LIPN - New Premises Licence
Title of Report:	1 Westbourne Grove Terrace London W2 5SD
Report of:	Director of Public Protection and Licensing
Wards involved:	Bayswater
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	15 April 2018		
<b>Applicant:</b>	Mr Ahmet Taluy		
<b>Premises:</b>	Not Supplied		
<b>Premises address:</b>	1 Westbourne Grove Terrace London W2 5SD	<b>Ward:</b>	Bayswater
		<b>Cumulative Impact Area:</b>	Bayswater
<b>Premises description:</b>	The applicant describes the premises as a speciality coffee shop. The applicant proposed that the licence will enable the sale of coffee with a shot of alcohol and the sale of special spirits e.g. whiskey, liquor, etc		
<b>Premises licence history:</b>	This is an application for a new premises licence and as such there is no licensing history for the premises.		
<b>Applicant submissions:</b>	None.		
<b>Amendment to application:</b>	The applicant has reduced the terminal hour for the sale of alcohol from 23:00 to 22:30 Monday to Sunday.		

1-B Proposed licensable activities and hours (as amended)							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			<b>On the premises</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	22:30	22:30	22:30	22:30	22:30	22:30	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None.				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>			None.				

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	13 <sup>th</sup> September 2018
Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	15 <sup>th</sup> September 2018
<p>Our objection relates to the following:</p> <ul style="list-style-type: none"> <li>• Insufficient conditions proposed to promote the prevention of crime and disorder.</li> </ul> <p>I will contact you to discuss this matter</p>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Roxanna Haq
<b>Received:</b>	18 <sup>th</sup> September 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"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of Children from harm</li> </ul> <p>This application seeks the following:</p> <p>The retail sale of alcohol on the premises; Monday 12:00 – 22:30 Tuesday to Sunday 12:00 – 23:00</p> <p>The premises is located within the Bayswater Cumulative Impact area and as such a number of policy points must be considered, namely PB2, HRS1 and CIP1.</p> <p>Currently the application does not restrict the operation of the premises as a restaurant therefore this application will be considered within policy PB2 and as such please be aware that it is the Licensing Authorities policy to refuse applications in the cumulative impact areas where premises are seen to being used primarily for the supply of alcohol.</p> <p>Additionally, paragraph 2.5.23 of the Councils Statement of Licensing Policy 2016 states that the “<i>grant of new licences for pubs or bars in the Cumulative Impact Area should be limited to exceptional circumstances</i>”. Therefore, it is for the applicant to demonstrate that this application</p>	

can be regarded as an exception to policy. The list of examples of what may be considered an exceptional circumstance can be found at paragraphs 2.4.2 – 2.4.13 of the Council's Statement of Licensing Policy.

We note that the application states;

"Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated and taking substantial food from the menu and that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only".

However the application at this stage does not provide sufficient details of the nature of the provision, which would deem the alcohol ancillary to those undertakings.

The core hours policy as defined in HRS1 state the hours for the supply of alcohol on the premises and these are:

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

The application as it stands falls outside of these hours as the terminal hour on Sunday is later than core hours.

In consideration to policy CIP1, paragraph 2.4.21 of the Licensing Policy states applications that;

*" (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking;*

*(ii) where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours; and*

*(iii) when the sale of alcohol is not permitted beyond 20:00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area"*

Therefore, we encourage the applicant to consider reducing the terminal hours of alcohol sales as proposed to 20:00 hours.

The above, alongside with any exceptions to policy can be submitted by the applicant for consideration to demonstrate that the granting of this licence in the Bayswater Cumulative Impact Area will not add to cumulative impact.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information Please accept this as a formal representation and we look forward to receiving any further submissions.



<b>2-B Other Persons</b>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	17 <sup>th</sup> September 2018		
<p>SEBRA objects to this application</p> <p>Premises are very small and we need to see it demonstrated that substantial food can be supplied as alcohol is to be ancillary to food.</p> <p>We also need more explanation on wish to sell " Serving special spirits (Whisky, Liquor etc)' as per application form under Part 3 Operating Schedule</p> <p>We have concern that in the WCC Queensway / Bayswater 'Stress Area' more and more premises are applying for alcohol to be sold and we are concerned as to the 'cumulative impact' in the area.</p> <p>We note hours applied for are more than WCC 'Core Hours' on Sundays at 23.00 and hours need to be reduced to 10.30 for Sundays &amp; Bank Holidays.</p> <p>We also need hours controlled on deliveries and refuse/ recycling collections and to be set as per WCC model conditions or less.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	8 <sup>th</sup> September 2018		
<p>On behalf of Tennyson House Management Company Ltd residents, please note our objection to this licensing application, which will be intrusive to both Westbourne Lofts and Tennyson House residents. This application is an intrusion into the residential area of the street. The outlet is immediately below and next to the above residential flats. Extended opening hours until 22.30 and 23.00 hours seven days a week will result in night time disturbances regardless of the passive controls suggested in the application.</p> <p>This is already a stress area, taxi's being a major contribution to noise, illegal parking and night time disputes. Resident's do not want any more licensed outlets and the associated threat to residential peace and security.</p> <p>The Council should actively reduce the number of licensed outlets. Please reject this application.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	8 <sup>th</sup> September 2018		
<p>Westbourne Grove Terrace is a residential area, unsuitable for a licensed outlet operating until 23.00 hours most nights. The street suffers from uncontrolled parking, noise, rubbish, loitering, urination etc. generally from client's of the other licensed outlets in Westbourne Grove, whose licensee's do nothing to control.</p> <p>This outlet has been converted from an office entrance lobby and was never intended to be a shop or outlet of any kind. The location, size of the unit, lack of toilets (1only) lack of disabled access, lack of parking, suggested opening hours etc. all suggest this application should be denied.</p> <p>The owner has already tried extending out into the street with coffee shop tables (without licence) to which we successfully objected. The pavement is regularly blocked with signage causing difficulties to disabled and wheelchair users passing by.</p> <p>The plan states that the outlet ceiling is sound proofed. I do not believe this to be true, it simply has a plasterboard ceiling recently installed by Rackham Construction Ltd.</p> <p>The outlet is immediately adjacent and below residential flats. Opening hours until 22.30 and 23.00 hours seven days a week will result in additional disturbances regardless of the passive controls suggested in the application.</p> <p>Taxi's serving this stress area, are a major contribution to noise, illegal parking and night time disputes. Resident's do not want any more licensed outlets, the Council's aim should be to reduce the number of licensed outlets.</p> <p>Please reject this application.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	17 <sup>th</sup> September 2018		
<p>Dear Sir/Madam,</p> <p>As the Director of the company owning interest in one of the flats at Tennyson House, I strongly object to this application.</p> <p>I would like to point out that the serving of alcohol would be unsuitable for such a residential location and would cause nuisance to the residents of the area. Westbourne Grove Terrace is a cul-de-sac and its character will change from such an activity. As it often happens in alcohol serving venues, its customers will end up sitting on the entrance steps of the neighbouring residential buildings when the venue is busy or when they want to smoke and this will undoubtedly be an inconvenience to the residents. It should also be noted that there is an abundance of outlets in the general area, which are located on more suitable, busier streets.</p> <p>Thank you and Best Regards,</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Maintained	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	8 <sup>th</sup> September 2018		
The premises is right under a residential property. Serving alcohol could cause a lot of unwanted disturbances which the experience has show in different areas has occurred frequently			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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> <p>For premises for the supply of alcohol for consumption on the premises:  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p>
<b>Policy CIP1 applies:</b>	<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>
<b>Policy PB2 applies:</b>	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.

#### 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

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

<b>Report author:</b>	Miss Sam Eaton Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	Environmental Health Representation	13 <sup>th</sup> September 2018
<b>5</b>	Metropolitan Police Service Representation	15 <sup>th</sup> September 2018
<b>6</b>	Licensing Authority Representation	18 <sup>th</sup> September 2018
<b>7</b>	Representation	8 <sup>th</sup> September 2018
<b>8</b>	Representation	8 <sup>th</sup> September 2018
<b>9</b>	Representation	17 <sup>th</sup> September 2018
<b>10</b>	Representation	8 <sup>th</sup> September 2018



**Applicant Supporting Documents**

**Appendix 2**

None.

**Premises History**

There is no licence or appeal history for the premises.

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

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

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

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

**Mandatory Conditions**

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



less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions consistent with the operating schedule:**

- 9.
  - a. all crimes reported to the venue
  - b. any complaints received
  - c. any incidents of disorder

- d. any faults in the CCTV system
  - e. any refusal of the sale of alcohol
  - f. any visit by a relevant authority or emergency service.
10. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, 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 authorised officer.
  11. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
  12. There shall be no glass, drinks or open containers taken outside of the premises at any time, except in the designated seating areas.
  13. There shall be prominent signage requesting customers to leave the premises quietly and respect local residents.
  14. The front of the premises shall be kept clean and swept at the close of business each day.
  15. Alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated and taking substantial food from the menu and that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The supply of alcohol shall be by waiter or waitress service only.

**Conditions proposed by the Environmental Health:**

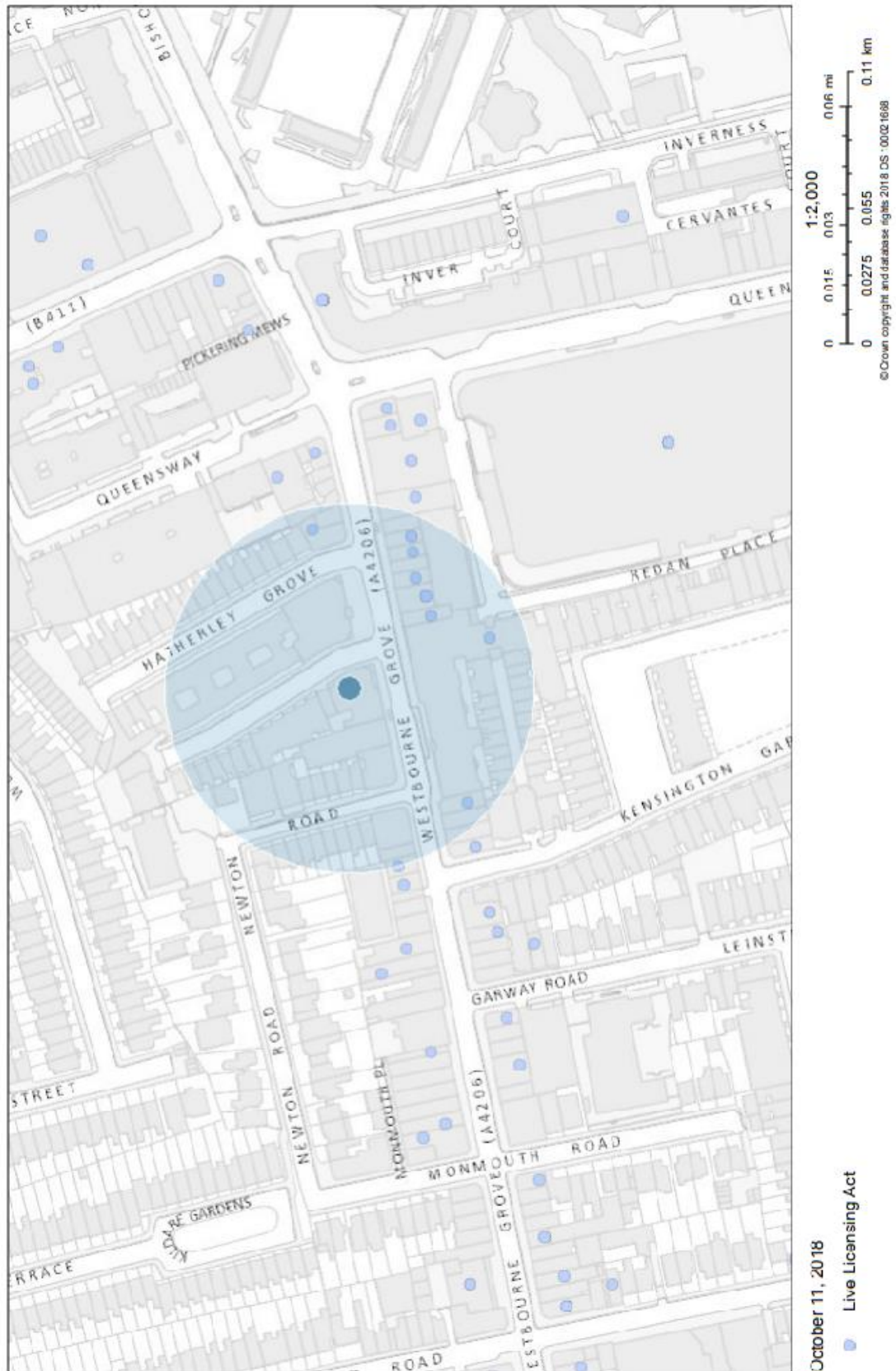
None.

**Conditions proposed by the Police:**

None.

Residential Map and List of Premises in the Vicinity

1 Westbourne Grove



Resident count = 493

Licence Number	Trading Name	Address	Time Period
18/09735/LIPT	Lokkanta Restaurant	31 Westbourne Grove London W2 4UA	Monday to Sunday; 11:00 - 23:00
11/08325/LIPDPS	Sadaf Restaurant	Ground Floor 27 Westbourne Grove London W2 4UA	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
06/12952/WCCMAP	Tiroler Hut Restaurant	27 Westbourne Grove London W2 4UA	Monday to Saturday; 10:00 - 01:30   Sunday; 11:00 - 01:00
14/11078/LIPN	Fresco	25 Westbourne Grove London W2 4UA	23:30   Friday to Saturday; 08:00 - 00:00   Sunday; 09:00 - 22:30
13/10301/LIPN	Snowflake Bayswater	43 Westbourne Grove London W2 4UA	Sunday to Thursday; 10:30 - 00:00
12/10811/LIPDPS	Banana Tree Canteen	21 - 23 Westbourne Grove London W2 4UA	Monday to Saturday; 10:00 - 23:00   Sunday; 10:00 - 22:30
17/12245/LIPDPS	Spirited Wines	Westbourne Grove London W2 5RA	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
16/06719/LIPV	Arancina	19 Westbourne Grove London W2 4UA	Monday to Saturday; 08:00 - 23:00   Sunday; 11:00 - 23:00
10/07844/LIPV	The American Diner	57 Westbourne Grove London W2 4UA	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00

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# Licensing Sub-Committee

## Report

### Agenda Item 2

Item No:	
Date:	18 October 2018
Licensing Ref No:	18/09908/LIPN - New Premises Licence
Title of Report:	29 Berners Street London W1T 3LR
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 Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	23 August 2018		
<b>Applicant:</b>	Hamsard 2018 Ltd		
<b>Premises address:</b>	29 Berners Street London W1T 3LR	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The application states that the premises operate as a hairdressing salon and cafe with an outside seating area. The premises do not benefit from a private forecourt.		
<b>Premises licence history:</b>	This is an application for a new premises licence and as such there is no licensing history for the premises.		
<b>Applicant submissions:</b>	None.		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	12:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	18:00
<b>Seasonal variations/ Non-standard timings:</b>			None.				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	12:00
<b>End:</b>	21:30	21:30	21:30	21:30	21:30	21:30	18:30
<b>Seasonal variations/ Non-standard timings:</b>			None.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	7 <sup>th</sup> September 2018
<p>I refer to the application for a new Premises Licence for the above mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.</p>	



**The applicant is seeking to:**

1. Supply alcohol for the consumption "On" and "Off" the premises Monday to Saturday from 09:00 to 21:00 hours and Sunday from 12:00 hours to 18:00 hours.

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

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

Applicant has proffered a condition within the operating schedule that reads:

The sale of alcohol at the premises shall be limited to customers: -

- a) Receiving beauty treatments, hair dressing appointments or therapies; or
- b) Seated within the café area

This condition is inconsistent with the supply of alcohol for consumption "off" the premises. This will be discussed further.

The applicant has provided conditions in support of the application. These are being considered but they do not fully address the concerns of Environmental Health. Additional conditions may be proposed.

The granting of this application, as presented, would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

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

**The Environmental Health Service have proposed the following conditions:**

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a nail and beauty salon and cafe
2. The supply of alcohol shall be by waiter or waitress service only
3. 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
4. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
5. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and shall be by waiter or waitress service

6. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.

<b>2-B Other Persons</b>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	30 <sup>th</sup> August 2018		
<p>The application gives no details about what type of business is proposed to be operated. There is no application form to view. We are potentially concerned about sale of alcohol on- and off-licence from the premises. We would like to see more information so that we can assess its merits and demerits.</p> <p>We would like a condition attached to the licence which states:</p> <p>"The sale of alcohol is only to be ancillary to the operation of a hairdressing salon."</p> <p>The reason being is to ensure that the licence cannot be transferred to another operator which may give rise to public nuisance.</p> <p>We would also like to see conditions that restrict the disposal of waste and recycling, and no deliveries to the premises, after 9pm and before 8am Monday to Saturday. And no deliveries or disposals on a Sunday before 12noon.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	19 <sup>th</sup> September 2018		
<p>I am the owner of a flat in Berners Mansions, I live in my flat which is my sole residence and my home. 29 Berners Street is operated as "Hershesons"</p> <p><a href="http://www.hershesons.com/stores/salons/berners-street/">www.hershesons.com/stores/salons/berners-street/</a> a hair and beauty salon. My main living room/sitting room looks onto Berners Street and has a window looking towards 29 Berners Street.</p> <p>What I am concerned about with this application is a loss to my residential amenity through the nuisance that will be caused by the sale of alcohol, especially if it is unrelated to being a customer at the salon. This application if granted would also add to an ever-increasing availability of alcohol near to my home as a result of recently granted licenses, plus new developments, both near completion and planned, that can be expected to also apply for alcohol licenses.</p> <p>In this context I cannot help but question whether it is appropriate for a hair and beauty salon to serve alcohol? If a licence is granted then, to reduce the potential nuisance, I request that the following conditions are added:</p> <ul style="list-style-type: none"> <li>Alcohol only served to customers who have a beauty appointment</li> </ul>			

- Alcohol only to be served with substantial food
- Supply of alcohol by waiter/waitress service only
- No take-away/off-licence sales
- No alcohol to be served outside, for instance at the tables (also is there appropriate permission in place for these tables on the pavement anyway?)
- Hours – 9am is very early to start serving alcohol, especially if not served with substantial food; I would suggest a start time of 12, noon. Note that the salon is closed all day Sunday and closes at 8pm Monday to Friday and at 7pm Saturday, so why is the application for later hours than these?

I expect the nuisance would mainly comprise noise and anti-social behaviour from people under the influence of alcohol, especially at evenings and weekends which is when I am usually at home, and especially on warmer days and evenings when I am more likely to have my windows open, which is precisely when this sort of nuisance is more likely.

I therefore request that this application is turned down or considerably modified so as to prevent this nuisance and corresponding loss of my residential amenity.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Outstanding	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	21 <sup>st</sup> September 2018		

I am the owner of flat 1 in Berners Mansions, the premises in question is part of a new building that has been constructed next door. 29 Berners Street is operated as "Hershesons" [www.hershesons.com/stores/salons/berniers-street/](http://www.hershesons.com/stores/salons/berniers-street/) -a hair and beauty salon.

What I am concerned about with this application is a loss to residential amenity through the nuisance- that will be caused by the potential sale of alcohol, especially if it is unrelated to being a customer at the salon . This application if granted would also add to an ever-increasing availability of alcohol near to my Flat as a result of recently granted licenses, plus new developments, both near completion and planned, that can be expected to also apply for alcohol licenses.

In this context I cannot help but question whether it is appropriate for a hair and beauty salon to serve alcohol? If a licence is granted then, to reduce the potential nuisance, I request that the following conditions are added

- o Alcohol only served to customers who have a beauty appointment
- o Alcohol only to be served with substantial food
- o Supply of alcohol by waiter/waitress service only
- o No take-away/off-licence sales
- o No alcohol to be served outside, for instance at the tables (also is there appropriate permission in place for these tables on the pavement anyway?)
- o Hours - 9am is very early to start serving alcohol, especially if not served with substantial food; I would suggest a start time of 12, noon. Note that the salon is closed all day Sunday and closes at 8pm Monday to Friday and at 7pm Saturday, so why is the application for later hours than these?

I expect the nuisance would mainly comprise noise and anti-social behaviour from people under the influence of alcohol, especially at evenings and weekends -and especially on warmer days and evenings with- windows open, which is precisely when this sort of nuisance is more likely.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u></p> <p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u></p> <p>Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p>
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. 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

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

<b>Report author:</b>	Miss Sam Eaton Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	Environmental Health Representation	7 <sup>th</sup> September 2018
<b>5</b>	Representation	30 <sup>th</sup> August 2018
<b>6</b>	Representation	19 <sup>th</sup> September 2018
<b>7</b>	Representation	21 <sup>st</sup> September 2018

## Appendix 1



**Applicant Supporting Documents**

**Appendix 2**

None.

**Premises History**

There is no licence or appeal history for the premises.



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

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

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

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

**Mandatory Conditions**

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

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

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

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

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

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

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

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

Where -

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

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

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

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

### **Conditions consistent with the operating schedule**

9. The sale of alcohol at the premises shall be limited to customers: -

- a) receiving beauty treatments, hair dressing appointments or therapies; or
- b) seated within the café area.

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All

recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
12. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
13. The supply of alcohol shall be by a member of staff over the age of 18 years only.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. Staff training will be given to ensure that in the case of any doubt whether a purchaser is over the age of 18 to refuse the sale of alcohol unless valid ID is produced.
16. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold and supplied for consumption on the premises.
17. There shall be no self-service of alcohol.
18. There shall be no sale or supply of draught beer.
19. A Challenge 21 or 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.

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

20. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a nail and beauty salon and cafe
21. The supply of alcohol shall be by waiter or waitress service only
22. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
24. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and shall be by waiter or waitress service

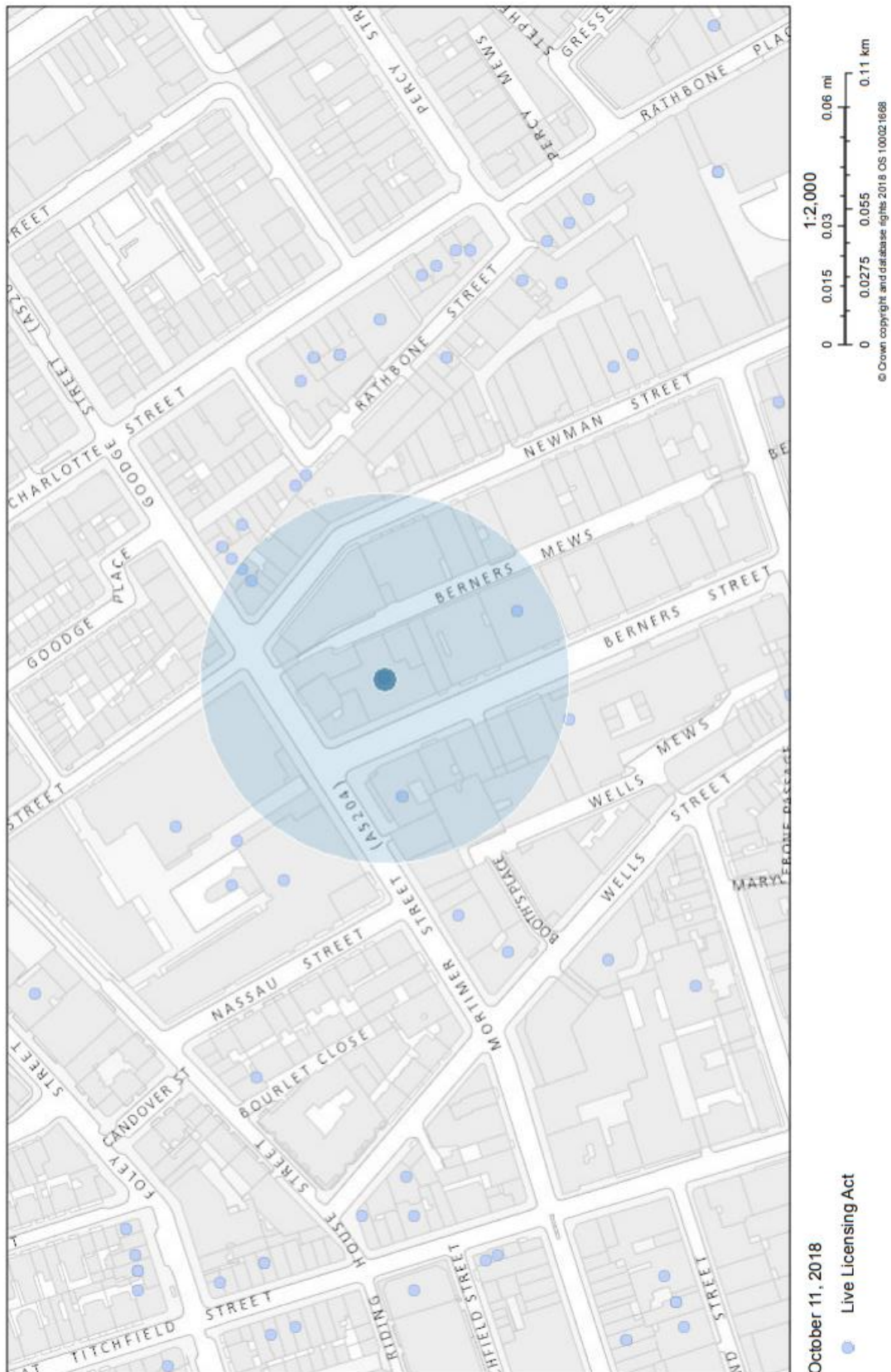
25. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.

**Condition proposed by Fitzrovia Neighbourhood Association:**

26. The sale of alcohol is only to be ancillary to the operation of a hairdressing salon.

Residential Map and List of Premises in the Vicinity

29 Berners Street



Resident count = 47

Premises within 50 metres of: 29 Berners Street, London			
Ref	Name of Premises	Premises Address	Licensed Hours
18/10957/LIPRW	Flesh & Buns	29-33 Berners Street London W1T 3AB	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30
09/07501/LIPD	Copyright House	29-33 Berners Street London W1T 3AB	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 22:30
18/00097/LIPVM	Greyhound Cafe	Basement And Ground Floor Newlands House 37 - 40 Berners Street London W1T 3NB	Monday to Sunday; 08:00 - 23:00 Saturday; 10:00 - 22:30

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## City of Westminster Licensing Sub-Committee

<b>Meeting:</b>	<i>Licensing Sub-Committee</i>
<b>Date:</b>	<i>18 October 2018</i>
<b>Classification:</b>	<i>General Release</i>
<b>Premises:</b>	<i>Heaven, The Arches, London, WC2N 6NG</i> <i>18/08991/LISEVR</i>
<b>Wards Affected:</b>	<i>St James's, Core CAZ North</i>
<b>Financial Summary:</b>	<i>None</i>
<b>Report of:</b>	<i>Operational Director for Public Protection &amp; Licensing</i>

### 1. Executive Summary

- 1.1 The council has received an application for the renewal of the sex establishment licence under the Local Government (Miscellaneous Provisions) Act 1982 (the Act) for Heaven, The Arches, London, WC2N 6NG. Heaven is licensed to operate as a sexual entertainment venue under the Act. The report sets out the application details, representations, policy and legal context along with other considerations that the Licensing Sub-Committee requires to determine this application.

### 2. Recommendations

- 2.1 That following consideration of this report, any information given orally at the hearing and/or in writing by the applicants and objectors the Licensing Sub-Committee may determine to:
  - 2.1.1 Grant the applications in full
  - 2.1.2 Grant the applications subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions proposed by a party to the hearing, or
  - 2.1.3 Refuse the applications

### **3. Application 2018**

- 3.1 Heaven has operated as a sex establishment since 2012. Previously, the premises had the benefit of a public entertainment licence since at least 2000. Following the grant of the sex establishment licence for Heaven in 2012, annual renewal applications on behalf of Mr Jeremy Louis Joseph have been submitted and granted under delegated authority in the subsequent years. A copy of the licence history for this premises since 2012 is attached as [Appendix A1](#). The premises are currently licensed to operate under this licence between the hours of 00:00 to 00:00 on each of the days Monday to Sunday. The licence was due to expire on 30 September 2018. A copy of the current Sexual Entertainment Licence is attached at [Appendix A2](#).
- 3.2 On 31 July 2018 the applicant submitted an application to renew the sex establishment licence to continue to operate the premises as a sexual entertainment venue. The applicant has not requested to change the relevant entertainment or to remove any standard conditions to the licence if the application is granted. A copy of the application is attached as [Appendix A3](#).
- 3.3 As a valid application has been received prior to the expiry of the SEV Premises Licence, the licence is deemed to continue until it is determined by the Council.

### **4. Objections**

- 4.1 On 17 August 2018, an objection was received to the renewal application ([attached as Appendix B1](#)) within the statutory 28 day consultation period stating a number of issues with the licensed premises and this application. These issues were namely:
- The venue has long and noisy queues
  - The area is now very much residential
  - The venue is an inappropriate use of the premises in a residential and cultural area
- 4.2 On 10 September 2018 the objector confirmed that they do not wish to waive their right to anonymity.

### **5. Licensing Act 2003 Premises Licence**

- 5.1 The premises currently benefits from a premises licence issued under the provisions of the Licensing Act 2003. A copy of the current premises licence is provided at [Appendix C1](#) of this report.

## **6. Policy Considerations**

### **6.1 Suitability of applicant – SU1**

The applicant has stated that no relevant offences have been committed. In addition, the Police and the Council's Licensing Inspectorate have carried out fit and proper persons checks and have not made any objections to the application.

### **6.2 SEV carried on for the benefit of another person – SU2**

The Police and the Council's Licensing Inspectorate have undertaken appropriate checks and have made no comments.

### **6.3 Appropriate number of SEV in a locality – NO1**

The appropriate number of sexual entertainment venues in the relevant localities is 25 in the Westminster core CAZ north. As the premises are currently licensed this application, if granted, will not exceed 25.

### **6.4 Character of the relevant locality – LO1**

The Arches are off of Villiers Street which is a busy thoroughfare between Charing Cross and Embankment Stations. Within a 100 metre radius of the premises, there is a resident count of 166.

### **6.5 Use of premises in the vicinity – LO2**

The main use of the premises in the immediate vicinity are commercial. There are no other SEV premises, schools, or places of worship in a 100 metre radius of the premises.

### **6.6 Layout, character or condition of the venue – LO3**

The premises is a large nightclub spread over the ground and first floors. For the current Relevant Entertainment purposes, the entertainment takes place in the main dance floor area in the main room of the premises. The main room consists of a large dance floor in the centre, a bar to the rear of the room and a raised stage accessible from the main dance area by two sets of stairs on either side of the stage. The stage also has a side access away from the main dance floor area.

## **7. Legal Implications**

- 7.1 The Licensing Sub-Committee may determine to:
- (a) Grant the applications in full
  - (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
  - (b) Refuse the applications.
- 7.2 Before refusing to grant a licence to the applicant, the Licensing Authority shall give the applicant an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).
- 7.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).
- 7.4 The Licensing Sub-Committee may refuse to grant a licence for the following reasons:
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
  - (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- 7.5 If the Licensing Sub-Committee determine to grant a Sexual Entertainment Venue licence, the licence will be subject to the Standard Conditions for Sexual Entertainment Venue licences, unless the Sub-Committee determines that certain Standard Conditions should be expressly excluded or varied (Para 13(4) Schedule 3 LG(MP)A1982).
- 7.6 Should the Licensing Sub-Committee determine to refuse the application for the grant of a licence under Paragraph 12(3)(a) or (b) Schedule 3 LG(MP)A 1982, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (Para 27(1) Schedule 3 LG(MP)A1982).

## **Appendices**

- A1 – Sex Establishment Licence history
- A2 – Sexual Entertainment Venue licence
- A3 – Application form
- B1 – Objection
- C1 – Current Licensing Act 2003 Premises Licence

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Daisy Gadd on 020 7641 6500 or at [dgadd@westminster.gov.uk](mailto:dgadd@westminster.gov.uk)**

## **BACKGROUND PAPERS**

Local Government (Miscellaneous Provisions) Act 1982  
Policing and Crime Act 2009  
Sexual Entertainment Venues Statement of Licensing Policy 2012  
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012

**Sex Establishment Licence history****Appendix A1**

<b>Sex Establishment Licence history - Heaven</b>			
<b>Application reference</b>	<b>Application details</b>	<b>Application determination date</b>	<b>Decision</b>
12/02508/LISEVN	Application for a New Sexual Entertainment Venue Licence.	11.06.2012	Granted by Licensing Sub-Committee
12/07381/LISEVV	Application to vary a Sexual Entertainment Venue licence. The variation sought changes to the layout of the premises and an amendment to the wording of standard condition 6 to permit advertisement of relevant entertainment at the premises.	01.11.2012	Granted in Part by Licensing Sub-Committee
13/06791/LISEVR	Application to renew the Sexual Entertainment Venue licence.	20.11.2013	Granted under Delegated Authority
14/07642/LISEVR	Application to renew the Sexual Entertainment Venue licence.	21.10.2014	Granted under Delegated Authority
15/06054/LISEVR	Application to renew the Sexual Entertainment Venue licence.	18.11.2015	Granted under Delegated Authority
16/07854/LISEVR	Application to renew the Sexual Entertainment Venue licence.	26.09.2016	Granted under Delegated Authority
17/08574/LISEVR	Application to renew the Sexual Entertainment Venue licence.	11.10.2017	Granted under Delegated Authority

17/10075/LISEVV	Application to vary a Sexual Entertainment Venue licence. The variation sought changes to the layout of the premises and amendments to the capacity ratio of the premises.	23.10.2017	Granted under Delegated Authority
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**SEX ESTABLISHMENT LICENCE**  
**Sexual Entertainment Venue**

Premises licence number:

17/10075/LISEVV

Original Reference:

12/02508/LISEVN

The CITY OF WESTMINSTER, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

hereby licences:  
to use the premises:

Mr Jeremy Louis Joseph  
Heaven  
The Arches  
London  
WC2N 6NG

as a Sexual Entertainment Venue.

This licence commences from the 01 October 2017 and will expire on the 30 September 2018.

Relevant Entertainment (Striptease including full nudity) may be provided during the following times:

Monday to Sunday

00:00 to 00:00

Relevant Entertainment may only be provided in the permitted areas outlined in red shown on the plans attached at Appendix 1.

This licence is granted subject to the conditions attached at Appendix 2.

DATE: 02.01.2018

SIGNED:



On behalf of the Operational Director -  
Premises Management



Appendix 1 – Plans

Attached

## Appendix 2 – Conditions

### Standard conditions

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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 authorised officer throughout the preceding 31 day period together with facilities for viewing.
11. 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 and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.

12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
  - (a) all crimes reported to the venue;
  - (b) all ejections of patrons;
  - (c) any complaints received;
  - (d) any incidents of disorder;
  - (e) seizures of drugs or offensive weapons;
  - (f) any faults in the CCTV system or searching equipment or scanning equipment;
  - (g) any refusal of the sale of alcohol;
  - (h) any visit by a relevant authority or emergency service;
  - (i) any breach of licence conditions reported by a Performer
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.

22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional conditions

24. The provision of the Porn Idol talent competition or similar entertainment when unpaid members of the public participate as performers, shall be permitted to be held for a two hour period one day a week, during which time standard conditions 14, 15, 16 and 20 (above) shall not apply.
25. The maximum number of persons accommodated within the premises at any one time (excluding staff) shall not exceed 1625 persons with maximum local capacities at any one time for the following areas (as marked on drawing no's 08.001 Rev L and 8.002 Rev K) being: the ground floor main dance floor - 1300, 'VIP' bar - 50, the 'Artist Bar and Cinema' - 550 and first floor total - 390 provided that there shall be a maximum capacity in the Dakota Smoke Bar of 280.
26. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
28. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
29. 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.
30. 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.
31. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- i. pyrotechnics including fire works
  - ii. firearms
  - iii. lasers
  - iv. explosives and highly flammable substances.
  - v. real flame.
  - vi. strobe lighting.
32. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.



City of Westminster



**APPLICATION TO RENEW A SEXUAL  
ENTERTAINMENT VENUE LICENCE**

IMPORTANT: This form is open to inspection by the public.

I/we JEREMY LOUIS JOSEPH  
(Insert name(s) of applicant)

apply to renew the Sexual Entertainment Venue licence under the Local  
Government (Miscellaneous Provisions) Act 1982 for the following premises:

Premises name: HEAVEN

Premises address: THE ARCHES, VILLIERS STREET WC2N 6NG

Licence reference number: 17/10075/LISEVV

**Important Note:** Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
- WCC's Standard Conditions for Sexual Entertainment Venues
- WCC's Rules of Procedure governing Sexual Entertainment Venue applications

**PART 1 – Applicant Details**

Please state whether you are renewing the Sexual Entertainment Venue licence as:

a) an individual or individuals

☒ complete section (A)

b) a person other than an individual:

i. as a body corporate

☐ complete section (B)

ii. as an unincorporated body

☐ complete section (B)



### Section A – Individual Licensee Details

First name(s):	JEREMY LOUIS
Surname:	JOSEPH
Former names (if any):	
Title:	
Home address:	30 OLD COMPTON ST. LONDON
Postcode:	W1D 5JX
Email address:	JEREMY@g-a-y.co.uk
Contact telephone number:	
Date of Birth:	15-01-67
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

### Additional Licensee Details (if necessary)

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

### Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	
Is your business registered in the UK with Companies House?	Yes <input type="checkbox"/> Registered Number:
	No <input type="checkbox"/>
Is your business registered in another EEA state:	Yes <input type="checkbox"/> EEA State: Registered Number:
	No <input type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	
Home Country: (the country where the headquarters of your business is located)	
Registered Address:	
Postcode:	
<b>Directors, Partners, Owners and Managers</b>	
You must provide details of all DIRECTORS (if the applicant is a company), all PARTNERS (if it is a partnership), and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES.	
Have there been any changes to the directors, partners or managers involved with the premises?	Yes <input type="checkbox"/> (please see below) No <input checked="" type="checkbox"/>
If yes, please provide details of the changes on a separate sheet, including the full name, private address and capacity of each director, partner and manager involved with the operation of the premises.	

### Other Business Interests

Is the applicant, or any person named in this application, involved in any way with any other sex establishment (e.g. sexual entertainment venue, sex shop, sex cinema, hostess bar)?

Yes ☐ (please complete below) No ☒

Please provide details, including the name and address of the establishment and the nature and extent of the interest. (If necessary please provide a separate sheet).

## PART 2 – Premises Details

Premises name:	HEAVEN
Premises address:	THE ARCHES, VILLIERS ST. LONDON
Postcode:	WC2N 6NG
Premises telephone number:	0207 930 2020
Email:	INFO@HEAVENNIGHTCLUB-LONDON.COM
Website address:	WWW.HEAVENNIGHTCLUB-LONDON.COM
Where the licence is for a vehicle, vessel or stall, state where it is used as a sexual entertainment venue:	
Have there been any changes to the nature of the relevant entertainment since the licence was last granted / renewed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide details below.



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### **PART 3 – Convictions / Disqualifications**

Have you, or any person named in or associated with this application, been convicted of any crime or offence?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please provide details on a separate sheet	
Have you been refused the renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, has the refusal been reversed on appeal?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Have you had a sex establishment licence revoked in Westminster within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

### **PART 4 - Checklist**

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input checked="" type="checkbox"/>
Payment of the fee has been made in full (refer to Part 6 of this form)	<input checked="" type="checkbox"/>
Notice of this application has been published in a local newspaper / will be published in a local newspaper within the next 7 days, a full copy of the newspaper to be provided to the Licensing Authority as soon as possible	<input checked="" type="checkbox"/>
Notice of this application has been displayed at the premises	<input checked="" type="checkbox"/>


The application has been served on the Metropolitan Police Service



## **PART 5 - Declaration**

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE RENEWAL OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

I CRUG BAYLIS declare that the information given above is true and complete in every respect.

Signed	
Date:	1/8/18
Capacity:	SOLICITOR FOR APPLICANT.

For joint applications:

Signed	
Date:	
Capacity:	

### **Agent Details**

Are you an authorised agent acting on behalf of the applicant?

Yes ☒ No ☐

If yes, please provide the following:

Agent name:	BCLP
-------------	------

Agent Address:	ADELAIDE HOUSE LONDON BRIDGE LONDON
Postcode:	EC4R 9HA.
Agent Telephone Number:	0203 400 2326
Agent Email:	Craig.Baylis@BCLPLAW.com

### Correspondence Details

Please provide the details to which all correspondence should be sent:

Name:	CRAIG BAYLIS
Address:	BCLP ADELAIDE HOUSE LONDON BRIDGE LONDON
Postcode:	EC4R 9HA
Telephone Number:	0203 400 2326
Email:	Craig.Baylis@BCLPLAW.com

## PART 6 – Payment

If applying by post you can pay by cheque, postal order or credit / debit card. Please make cheques and postal orders payable to 'City of Westminster'.

If you would like to pay by credit / debit card please complete this section:

Type of credit / debit card:	Visa <input type="checkbox"/>	MasterCard <input type="checkbox"/>
	Solo <input type="checkbox"/>	Maestro <input type="checkbox"/> Delta <input type="checkbox"/>
Card number:		
Issue date:	/	(mm/yy)
Expiry date:	/	(mm/yy)
Issue number:	(for Maestro / Solo)	
Name on card:		
Amount (£):		

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, PREMISES MANAGEMENT, WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.

**Comments for Licensing Application 18/08991/LISEVR**

**Application Summary**

Application Number: 18/08991/LISEVR

Address: Club The Arches London WC2N 6NG

Proposal: Sexual Entertainment Venue - Renewal

Case Officer: Ms Daisy Gadd

**Customer Details**

Name: Not Available

Address: Not Available

**Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 10:39 AM on 17 Aug 2018 My objection is that the queue is long and noisy stretching back towards Charring Cross Station and the corner of Adam Street


This is now very much a residential area and in the early hours we are often woken by rowdy drunken people vomiting and urinating and behaving in a very inappropriate sexual manner

This area has now become more and more a communal area with more residential units and it is now an inappropriate use of this premises in a residential and cultural part of our capital

I therefore strongly object to this license being granted

## Current Licensing Act 2003 Premises Licence

## Appendix C1

 <b>City of Westminster</b> 64 Victoria Street, London, SW1E 6QP	<b>Schedule 12</b> <b>Part A</b>	<b>WARD: St James's</b> <b>UPRN: 010033544601</b>
<b>Premises licence</b>		<b>Regulation 33, 34</b>

<b>Premises licence number:</b>	17/08886/LIPVM
<b>Original Reference:</b>	05/06314/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

Heaven Nightclub  
10A The Arches  
London  
WC2N 6NG

**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  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

<b>Performance of Dance</b>	
Monday to Sunday:	00:00 to 00:00
<b>Exhibition of a Film</b>	
Monday to Sunday:	00:00 to 00:00
<b>Performance of Live Music</b>	
Monday to Sunday:	00:00 to 00:00
<b>Playing of Recorded Music</b>	
	Unrestricted
<b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b>	
Monday to Sunday:	00:00 to 00:00

<b>Performance of a Play</b>	
Monday to Saturday:	09:00 to 00:00
Sunday:	14:00 to 00:00
Non-standard Timings: Condition 42	
<b>Late Night Refreshment</b>	
Monday to Sunday:	23:00 to 05:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted	
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 06:00
Sunday:	12:00 to 06:00
Non-standard Timings: Condition 42	
<i>For times authorised for New Year see conditions at Annex 1&amp;3</i>	

<b>The opening hours of the premises:</b>	
Monday to Sunday:	00:00 to 00:00

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

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:</b>
Heaven (London) Limited 11 The Arches Villiers Street London WC2N 6NG Telephone Number : 020 7389 6611

<b>Registered number of holder, for example company number, charity number (where applicable)</b>
06606876

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:</b>
Name: Mark Ellicott
<i>Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.</i>

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: LBH-PER-7-0003  
Licensing Authority: London Borough of Hackney

Date: 26 September 2017

This licence has been authorised by Mrs Shannon Pring 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. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

Conditions relating to regulated entertainment: (Ground and First Floors excluding the entrance and control room areas)

- 10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 12. The laser installation shall be operated and maintained in accordance with guidance Note PM19 'Use of Lasers for Display Purposes issued by the Health and Safety Executive, and subject to the conditions set out in the GLC's letter dated 26 October 1992.
- 13. The operation of the laser shall at all times be under the direct control of an authorised trained operator who shall maintain constant surveillance of the laser equipment. The emission of laser radiation shall be immediately terminated in the

event of: (a) equipment malfunction, (b) if any person goes onto or attempts to go onto the stage, or (c) any other unsafe condition.

14. There shall be no loudspeakers in the entrance hall.
15. The licensee shall ensure that music provided at the premises shall not cause a nuisance to the occupants of neighbouring premises.
16. Attendants shall be stationed in the vicinity of the cloakrooms during the whole time they are in use.
17. A sound limiting device will be installed on the amplification system. The limit shall be set at a level agreed with the Environmental Health Officer and the equipment sealed at the level to the satisfaction of that officer.
18. The defined clear way on either side of the stage shall be maintained clear of obstruction at all times, with special reference to the performance of live bands and any other performers.
19. The Licensee shall ensure that the Arches are swept at regular intervals throughout the hours of operation and at the close of business, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements and disposed of in the correct manner through an authorised waste contractor.
20. The Licensee shall ensure that litter patrols are conducted, as frequently as is necessary, on Villiers Street from the Arches to the Strand, to remove litter associated with heaven nightclub. Such litter to be stored in accordance with the approved refuse storage arrangements and disposed of in the correct manner through an authorised waste contractor.

**Conditions relating to performance of plays (Main Dance Floor Area)**

21. Any changes to the approved layout shall be submitted to the Council for prior approval in writing.
22. The exhibition of films is restricted to films involving the use of real films (e.g. video) where exhibition is incidental or subsidiary to the main use of the premises

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

23. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
  - (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

24. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
25. This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.

## Annex 2 – Conditions consistent with the operating Schedule

26. 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 authorised officer throughout the preceding 31 day period.
27. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
28. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
29. 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
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
31. No patrons, DJ's or performers (along with their guests and entourages) shall be admitted or re-admitted to the premises after the hour of 9pm unless they have passed through a functioning metal detecting search arch and been physically searched in accordance with a procedure agreed with the Metropolitan Police which will include a full bag search and where appropriate a full pat down search.
32. All searches must be recorded on the CCTV system.
33. A zero tolerance to drugs and weapons policy shall be implemented and signage confirming this policy will be displayed prominently at the entrance to the club and in the customer toilets. Details of these policies shall be displayed on the website for the premises.
34. The premises shall not employ for payment or otherwise any persons for the purpose of bringing customers to the premises directly off the street or any other public place.
35. The premises licence holder to cease to provide all drinks in glass containers after 23.00 hours by 1st September 2009 where suitable alternatives can be found, save that glass containers may continue to be used for the provision of drinks for private hire events and in the artist & VIP areas within the premises
36. The total capacity of the premises (excluding staff) shall be 1625 persons with maximum local capacities at any one time for the following areas (as marked on drawing , LM2268 REV1/dated 15-06-16 and LM917/02 Rev E dated 15-06-16): being the ground floor main dance floor 1200, VIP Bar 125, the Artist Bar 420, and

first floor total 390, provided that there shall be a maximum capacity in the Dakota Smoke Bar of 280.

37. The licensed areas affected by minor variation application number 12/06895/LIPVM will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.
38. CCTV will be installed in the gender - free toilet circulation area.
39. The gender - free toilets will be attended by a female attendant at all times these facilities are made available for use whilst licensable activities are carried out at the premises.



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

40. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 06.00 on the morning, except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00.00 midnight and 06.00, the permitted hours shall end when the music and dancing end (or as the case maybe when the gaming ends);
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 07.00 for references to 06.00.
- (c) On Sundays, the permitted hours shall extend until 06:00 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
  - (ii) where music and dancing end between 00.00 midnight on any Sunday and 06:00, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

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

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

41. The number of persons accommodated at any one time (excluding staff) shall not exceed 200, provided that condition applies only to main dancing area and only when the main dancing area is being used for the performance of plays.
42. On no more than 15 occasions (and in substitution for Temporary Event Notices) per calendar year and following 10 working days' notice to the Police (or such lesser time as may be agreed with the Police) and the Licensing Authority, the hour for the provision of licensable activities currently provided at the premises may be extended to such time as agreed with the Police, the Police having the power to veto any such application.
- 43.\* Permission granted to waiver of existing Rule of Management number 4(a) so as to permit entertainment involving striptease and/or nudity to take place, subject to suitable and sufficient fresh air ventilation and extract to be provided behind the main stage area.
44. Conditions 3, 5 and 6 of the Rules of Management do not apply.

\* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises



**Annex 4 – Plans**

Attached



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

Schedule 12  
Part B

WARD: St James's  
UPRN: 010033544601

Premises licence  
summary

Regulation 33, 34

Premises licence number:

17/08886/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

Heaven Nightclub  
10A The Arches  
London  
WC2N 6NG

**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  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

<b>Performance of Dance</b> Monday to Sunday:	00:00 to 00:00
<b>Exhibition of a Film</b> Monday to Sunday:	00:00 to 00:00
<b>Performance of Live Music</b> Monday to Sunday:	00:00 to 00:00
<b>Playing of Recorded Music</b>	Unrestricted
<b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b> Monday to Sunday:	00:00 to 00:00

<b>Performance of a Play</b>	
Monday to Saturday:	09:00 to 00:00
Sunday:	14:00 to 00:00
Non-standard Timings:	Condition 42
<b>Late Night Refreshment</b>	
Monday to Sunday:	23:00 to 05:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted	
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 06:00
Sunday:	12:00 to 06:00
Non-standard Timings: Condition 42	
<i>For times authorised for New Year see conditions at Annex 1&amp;3</i>	

<b>The opening hours of the premises:</b>	
Monday to Sunday:	00:00 to 00:00

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

<b>Name and (registered) address of holder of premises licence:</b>
Heaven (London) Limited 11 The Arches Villiers Street London WC2N 6NG

<b>Registered number of holder, for example company number, charity number (where applicable)</b>
06606876

<b>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:</b>
Name: Mark Ellicott

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

Date: 26 September 2017

This licence has been authorised by Mrs Shannon Pring on behalf of the Director -  
Public Protection and Licensing.



## Licensing Sub-Committee Report

Item No:	
Date:	18 October 2018
Licensing Ref No:	18/09845/LIPN - New Premises Licence
Title of Report:	1 Marylebone Road London NW1 4AQ
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: msteward1@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	22 August 2018		
<b>Applicant:</b>	Hammer Holdings Limited		
<b>Premises address:</b>	1 Marylebone Road London NW1 4AQ	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	According to the application form, the premises will operate as a wedding exhibition and retail space.		
<b>Premises licence history:</b>	The premises have been licensed since 2007. The premises has the benefit of an existing premises licence (18/09999/LIPCH) of which Hammer Holdings Ltd are the current licence holders.		
<b>Applicant submissions:</b>	None submitted		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>		On	
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>		None applied for					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>		None applied for.					
<b>Adult Entertainment:</b>		Not applicable.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ian Watson
<b>Received:</b>	11 September 2018
<p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>1. To provide for the Supply of Alcohol 'On' the premises Monday to Sunday between 12.00 to 21.00 hours.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>1. The hours requested for the Supply of Alcohol will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.</li> </ol> <p>The applicant has provided additional information with the application which does not address the concerns of Environmental Health.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service (withdrawn)
<b>Representative:</b>	PC Cheryl Boon
<b>Received:</b>	19 September 2018
<p>Please find below the proposed conditions from the Metropolitan Police. Please let us know whether you would agree to them being added to any future operating schedule. If you are able to agree to these conditions it may enable us to withdraw our representation</p> <ol style="list-style-type: none"> <li>1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.</li> <li>2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.</li> </ol>	

3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

4. Patrons permitted to leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

5. A Challenge 21 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.

6. There shall be no self service of alcohol.

7. The supply of alcohol is by waiter or waitress service only

**Following the agreement of conditions, the Metropolitan Police Service withdrew their representation on 2 October 2018.**

## **2-B Other Persons**

<b>Name:</b>	Mr Linus Rees
<b>Address and/or Residents Association:</b>	Fitzrovia Neighbourhood Association 39 Tottenham Street
<b>Received:</b>	30 August 2018

The application gives no details about what type of business is proposed to be operated. There is no application form to view. We are potentially concerned about sale of alcohol on- and off-licence from the premises. We would like to see more information so that we can assess its merits and demerits.

We would like a condition attached to the licence which states:

“The sale of alcohol is only to be ancillary to the operation of a sale and exhibition space for wedding goods and services.”

The reason being is to ensure that the licence cannot be transferred to another operator which may give rise to public nuisance.



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<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> <p>For premises for the supply of alcohol for consumption on the premises:</p> <p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p>
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. 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

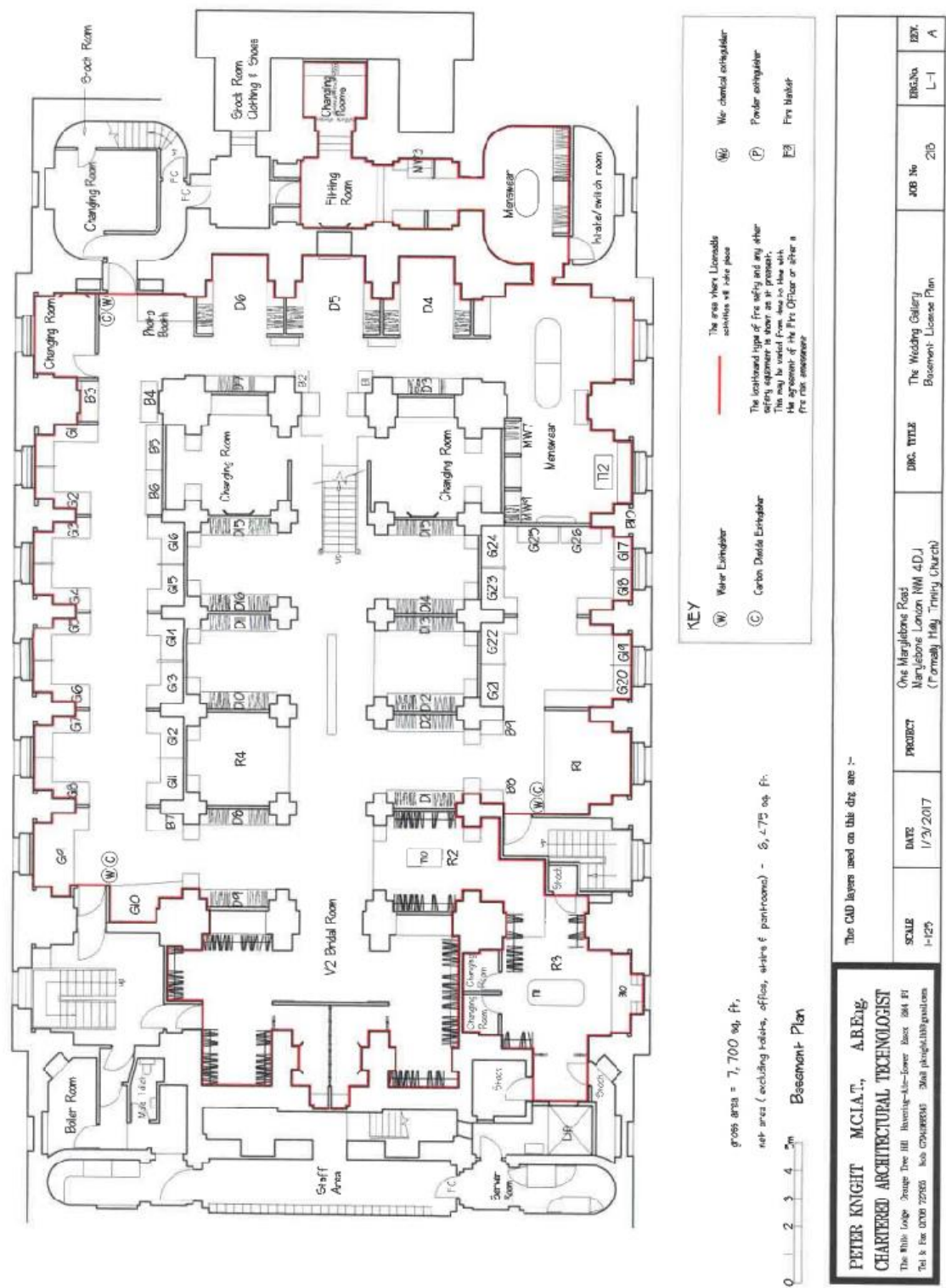
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity
<b>Appendix 6</b>	Existing premises licence 18/09999/LIPCH

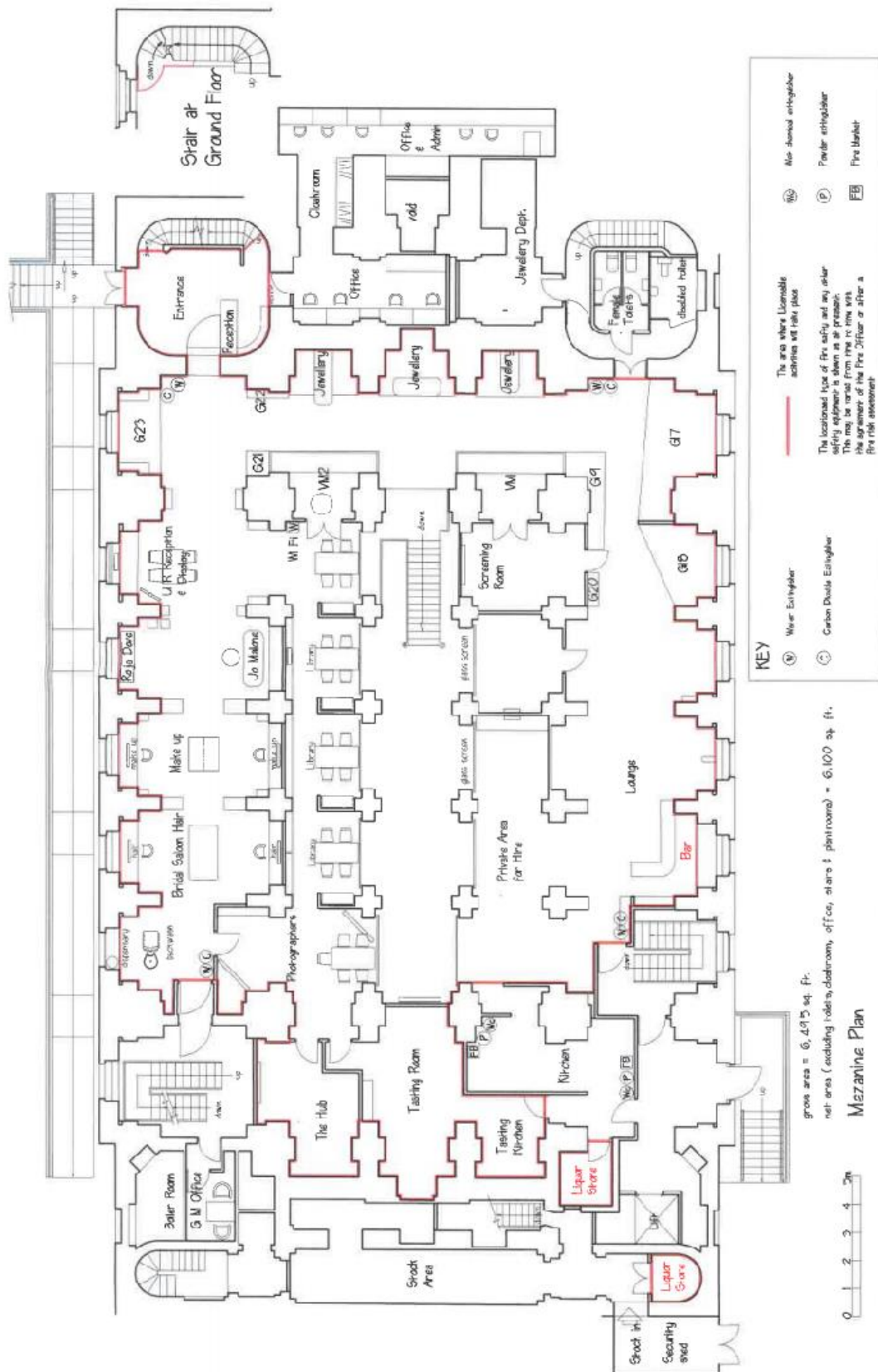
<b>Report author:</b>	Miss Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 2737 Email: mdsteward1@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Representation Environmental Health	11 September 2018
<b>5</b>	Representation Metropolitan Police Service (withdraw)	19 September 2018
<b>6</b>	Representation Fitzrovia Neighbourhood Association	30 August 2018





The CAD layers used on this drawing are :-				
<b>PETER KNIGHT MCIAT, AREng</b> <b>CHARTERED ARCHITECTURAL TECHNOLOGIST</b> The Ryle Lodge, Orange Tree Hill, Havering-atte-Bower, Essex, RM11 0T Tel: 01473 723555 Mob: 07943353545 Email: peter.knight@pkn.co.uk	<b>SCALE</b> 1:125	<b>DATE</b> 1/3/2017	<b>PROJECT</b> One Marylebone Road Marylebone London NW1 4JU (Formerly Hdy Trinity Church)	<b>DRG. TITLE</b> The Wedding Gallery Mezzanine License Plan
			<b>IDB No</b> 218	<b>REV.</b> A

## **Applicant Supporting Documents**

## **Appendix 2**

None submitted

**Premises History****Appendix 3**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
07/05527/LIPN	Application for a new premises licence	19.09.2007	Granted under Delegated Authority
07/08538/WCCMAP	Master licence	20.09.2007	Granted under Delegated Authority
08/05372/LIPV	Application to vary the premises licence that sought to extend the area for licensable activities, remove work conditions and increase the capacity.	24.07.2008	Granted by Licensing Sub-Committee
09/01530/LIPV	Application to vary the premises licence that sought to amend the layout of the premises and increase the capacity.	27.04.2009	Granted under Delegated Authority
10/02030/LIPDPS	Application to vary the Designated Premises Supervisor.	07.06.2010	Granted under Delegated Authority
11/02592/LIPVM	Application for a minor variation of the premises licence that sought to vary the layout of the premises.	14.04.2011	Granted under Delegated Authority
11/12440/LIPV	Application to vary the premises licence that sought to amend the layout of the premises and increase the capacity.	14.05.2012	Granted under Delegated Authority
14/08144/LIPV	Application to vary the premises licence that sought to amend the layout of the premises.	12.11.2014	Granted under Delegated Authority

18/09999/LIPCH	Application for a change of details.	28.08.2018	Granted under Delegated Authority
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<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
09/02573/LIMN	Application for a new marriage licence.	21.07.2009	Granted under Delegated Authority
12/06022/LIMR	Application to renew the marriage licence.	21.08.2012	Granted under Delegated Authority

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
13/10060/LIMN	Application for a new marriage licence.	14.04.2014	Granted under Delegated Authority
17/01422/LIMR	Application to renew the marriage licence.	25.04.2017	Granted under Delegated Authority

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
14/03641/LITENP	Application for a temporary event notice.	28.05.2014	Event to proceed
14/03643/LITENP	Application for a temporary event notice.	28.05.2014	Event to proceed
14/04913/LITENP	Application for a temporary event notice.	19.06.2014	Event to proceed
14/04914/LITENP	Application for a temporary event notice.	19.06.2014	Event to proceed
14/06134/LITENP	Application for a temporary event notice.	05.08.2014	Event to proceed

14/06147/LITENP	Application for a temporary event notice.	09.09.2014	Event to proceed
14/06152/LITENP	Application for a temporary event notice.	09.09.2014	Event to proceed
14/10763/LITENP	Application for a temporary event notice.	30.01.2015	Event to proceed
16/05414/LITENP	Application for a temporary event notice.	07.06.2016	Event to proceed
16/05432/LITENP	Application for a temporary event notice.	07.06.2016	Event to proceed
16/13788/LITENP	Application for a temporary event notice.	29.12.2016	Event to proceed
16/13791/LITENP	Application for a temporary event notice.	29.12.2016	Event to proceed
17/02454/LITENP	Application for a temporary event notice.	11.04.2017	Event to proceed
18/10606/LITENP	Application for a temporary event notice.	17.09.2018	Event to proceed
18/10662/LITENP	Application for a temporary event notice.	17.09.2018	Event to proceed



## **Appendix 4**

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

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

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

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

#### **Mandatory Conditions**

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

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

securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

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

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

### **Conditions consistent with the operating schedule**

- 9. The number of persons permitted in the premises at any one time (including staff) shall not exceed 100.
- 10. A Challenge 21 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.

### **Conditions proposed by the Police and agreed with the applicant**

- 11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is

open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

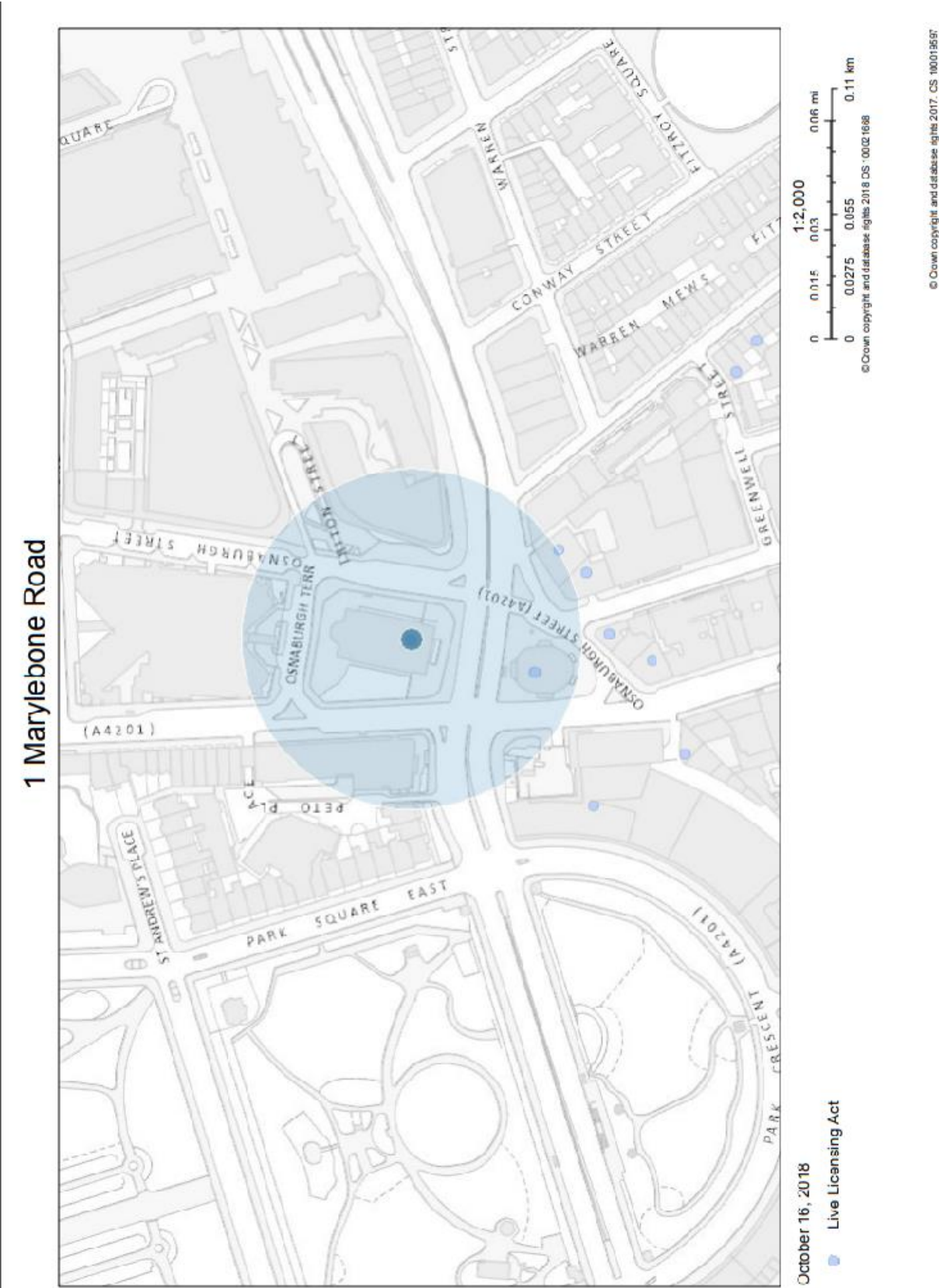
13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises is open.
14. Patrons permitted to leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
15. There shall be no self service of alcohol.

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

None

#### **Conditions proposed by Fitzrovia Neighbourhood Association**

16. The sale of alcohol is only to be ancillary to the operation of a sale and exhibition space for wedding goods and services



Resident count = 0

Licence Number	Trading Name	Address	Time Period
06/10590/WCCMAP	Cafe Meze	Ground Left Great Portland Street Station Great Portland Street London W1W 5PW	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

## Existing premises licence 18/09999/LIPCH

## Appendix 6



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

Premises licence

WARD: Marylebone High  
Street  
UPRN: 010033603313

Regulation 33, 34

Premises licence number:

18/09999/LIPCH

Original Reference:

07/05527/LIPN

### Part 1 – Premises details

Postal address of premises:

One Marylebone  
1 Marylebone Road  
London  
NW1 4AQ

Telephone Number: 020 7380 1620

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Provision of facilities for Dancing  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

<b>Performance of Dance</b>	
Monday to Sunday:	10:00 to 00:00 (Private functions only)
<b>Provision of facilities for Dancing</b>	
Monday to Sunday:	19:00 to 00:00 (Private Functions Only)
<b>Performance of Live Music</b>	
Monday to Sunday:	10:00 to 00:00 (Private Functions Only)
<b>Playing of Recorded Music</b>	
Monday to Sunday:	10:00 to 00:00 (Private Functions Only)
<b>Late Night Refreshment</b>	
Monday to Sunday:	23:00 to 00:00 (Private Functions Only)
<b>Sale by Retail of Alcohol</b>	
Monday to Sunday:	10:00 to 00:00 (Private Functions Only)



**The opening hours of the premises:**

Open for private functions only

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

Alcohol is supplied for consumption on the Premises.

**Part 2**

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

Hammer Holdings Ltd  
8 Grosvenor Place  
London  
SW1X 7SH

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

2439306

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

Name: Mr Andrew Morrow

*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: LN/200711798  
Licensing Authority: London Borough Of Barnet

Date: 28 August 2018

This licence has been authorised by Emanuela Meloyan on behalf of the Director - Public Protection and Licensing.

#### Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

## Annex 2 – Conditions consistent with the operating Schedule

10. Admission to the premises shall be by way of pre-booked, ticketed or invitation only events.
11. Supply of alcohol will be supervised by staff at all times, and there shall be no self service of alcohol.
12. During anytime that the Premises Licence is used for an event, any temporary bar will be located in a static position within the area hatched on the deposited plans. Those tables are to be permanently manned during the sale of liquor.
13. A register book shall be held at reception at all times to include, the type of function or ticket event, the date and numbers attending including details of the host and made available to all responsible authorities upon request.
14. The premises will install and maintain a comprehensive CCTV system as per the recommendations of, a Metropolitan Police Crime Prevention Officer. All cameras shall continually record whilst the premises are open to the public and the recordings shall be made and retained for at least thirty-one days and shall be readily available for inspection by the Police or an authorised officer from Westminster City Council.
15. A daily log is to be maintained to ensure that any capacity limit set for the basement is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
16. Food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold and supplied for consumption on the premises.
17. 16. 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.
18. 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.
19. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
20. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
21. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
22. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
23. 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
24. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special

effects will only be used 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.
- 25. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
- 26. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
- 27. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
- 28. No striptease, no nudity and all persons to be decently attired at all times.
- 29. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 30. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 31. All entrance doors and windows to be kept closed after 21:00 hours, except for immediate access and egress of persons.
- 32. A refuse store of sufficient size shall be provided to enable a minimum of 3 days of refuse to be held.
- 33. 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.
- 34. The maximum number of persons accommodated at the premises shall not exceed 500 persons on the ground floor, 300 persons on the first floor and 200 persons within the open external garden area with a total of 800 persons (excluding staff) on the premises at any one time.

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

35. There will be a minimum number of licensed door staff present at the premises, as follows unless otherwise agreed with the Metropolitan Police:
  - o One up to 7pm
  - o Two if only the ground floor is used after 7pm
  - o Two if only the first floor is used after 7pm
  - o Three if both floors are used after 7pm
  - o At any time that the Garden Area is being used there will be one licensed door supervisor present.
36. All the Regulated Entertainment provided within the external garden area shall be non - amplified and live music shall be restricted to up to five musicians.
37. When licensable activities take place within the external garden area, no noise and/or vibration shall be audible within the nearest property which gives rise to public nuisance.
38. No licensable activity shall be provided within the external Garden Area after 22:00 hours.
39. A minimum of 28 days written notice to be given to the Environmental Health Consultation Team of when a temporary structure is to be erected.
40. The Designated Premises Supervisor (DPS) and event organiser shall ensure that suitable and sufficient Risk Assessments are produced for each event which shall be made available to the Environmental Health Consultation Team on request.

**Annex 4 – Plans**

Attached





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

**Schedule 12  
Part B**

**Premises licence  
summary**

**WARD: Marylebone High  
Street  
UPRN: 010033603313**

Regulation 33, 34

Premises licence number:

18/09999/LIPCH

**Part 1 – Premises details**

**Postal address of premises:**

One Marylebone  
1 Marylebone Road  
London  
NW1 4AQ

**Telephone Number:** 020 7380 1620

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Provision of facilities for Dancing  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

<b>Performance of Dance</b>	
Monday to Sunday:	10:00 to 00:00 (Private functions only)
<b>Provision of facilities for Dancing</b>	
Monday to Sunday:	19:00 to 00:00 (Private Functions Only)
<b>Performance of Live Music</b>	
Monday to Sunday:	10:00 to 00:00 (Private Functions Only)
<b>Playing of Recorded Music</b>	
Monday to Sunday:	10:00 to 00:00 (Private Functions Only)
<b>Late Night Refreshment</b>	
Monday to Sunday:	23:00 to 00:00 (Private Functions Only)
<b>Sale by Retail of Alcohol</b>	
Monday to Sunday:	10:00 to 00:00 (Private Functions Only)

**The opening hours of the premises:**

Open for private functions only

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

Alcohol is supplied for consumption on the Premises.

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

Hammer Holdings Ltd  
8 Grosvenor Place  
London  
SW1X 7SH

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

2439306

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

**Name:** Mr Andrew Morrow

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

Restricted

**Date:** 28 August 2018

This licence has been authorised by Emanuela Meloyan on behalf of the Director - Public Protection and Licensing.