



City of Westminster

Title:

Licensing Sub-Committee (4)

Meeting Date:

Thursday 3rd September, 2020

Time:

10.00 am

Venue:

This is a virtual meeting

Members:

Councillors:

Karen Scarborough
(Chairman)
Jim Glen
Rita Begum

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



If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

**Email: kscharlemagne@westminster.gov.uk Tel:
07817054613**

Corporate Website: www.westminster.gov.uk

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. CUCKOO CLUB, GROUND FLOOR, VICTORY HOUSE, 99 - 101 REGENT STREET, LONDON

(Pages 1 - 40)

10.00am –
12.00pm

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / /West End Cumulative Impact Area	Cuckoo Club, Ground Floor, Victory House, 99 - 101 Regent Street, London	Variation	20/04738/LIPV

2. ZELMAN MEATS, 2 ST ANNE'S COURT, LONDON, W1F 0AZ

(Pages 41 - 90)

1.00[m –
3.30pm

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
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2.	West End Ward / /West End Cumulative Impact Area	Zelman Meats, 2 St Anne's Court, London, W1F 0AZ	Variation	20/04950/LIPV
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Stuart Love
Chief Executive
28 August 2020

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 7th 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 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.



City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

Item No:	<input type="text"/>
Date:	<input type="text" value="3 September 2020"/>
Licensing Ref No:	<input type="text" value="20/04738/LIPV - Premises Licence Variation"/>
Title of Report:	<input type="text" value="Cuckoo Club
Ground Floor
Victory House
99 - 101 Regent Street"/>
Report of:	<input type="text" value="Director of Public Protection and Licensing"/>
Wards involved:	<input type="text" value="West End"/>
Policy context:	<input type="text" value="City of Westminster Statement of Licensing Policy"/>
Financial summary:	<input type="text" value="None"/>
Report Author:	<input type="text" value="Kevin Jackaman
Senior Licensing Officer"/>
Contact details	<input type="text" value="Telephone: 0207 641 6500
Email: kjackaman@westminster.gov.uk"/>

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	18 June 2020		
Applicant:	Unicorn Capital Limited		
Premises:	Cuckoo Club		
Premises address:	Ground Floor Victory House 99 - 101 Regent Street London	Ward: Cumulative Impact Area:	West End West End
Premises description:	The premises currently operates as a members only restaurant and nightclub.		
Variation description:	<p>The proposed variation is:</p> <ol style="list-style-type: none"> 1. To extend the provision for regulated entertainment indoors (to include plays, films, live music, recorded music, performance of dance and anything similar) to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning. 2. To extend the sale of alcohol on and off the premises to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning. 3. To extend the provision for late night refreshment indoors to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning. 4. The opening hours of the premises will be Monday to Sunday 09:00 to 06:30 the following morning. 5. To remove conditions, 17, 20, 37,44 and 45 which are taken from premises licence 19/08094/LIPV relating to occupancy of the premises, provision of substantial food and private pre-booked events and prohibition of off sales. 		
Premises licence history:	The premises have had the benefit of a premises licence since 2009. The current premises licence 19/15018/LIPV is attached at Appendix 1 of this report. Please see Appendix 3 of the report for the full licence history.		
Additional information:	<p>The application has been submitted as a variation of 19/15018/LIPV. However a further variation was granted by Licensing Sub Committee on 13 February 2020 (licence number 19/15018/LIPV). The full decision of the Committee had not been released at the time of submission.</p> <p>As a result of the variation granted on 13 February 2020, conditions 44 and 45 referred to in this application have already been removed from the licence</p>		

1-B Current and proposed licensable activities, areas and hours							
Regulated Entertainment							
Exhibition of films, performance of dance, live music and anything of a similar description							
		Current Hours		Proposed Hours		Licensable Area	
Monday	Start:	End:	Start:	End:	Current:	Proposed:	
	09:00	23:30	09:00	06:00	Basement, ground floor and mezzanine	No change	
	09:00	23:30	09:00	06:00			
	09:00	03:15	09:00	06:00			
	09:00	03:30	09:00	06:00			
	09:00	03:30	09:00	06:00			
	09:00	22:30	09:00	06:00			
Seasonal Variations/ Non-standard timings:		Current:			Proposed:		
		From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour.			No change		

Recorded music							
		Current Hours		Proposed Hours		Licensable Area	
Monday	Start:	End:	Start:	End:	Current:	Proposed:	
	09:00	03:15	09:00	06:00	Basement, ground floor and mezzanine	No change	
	09:00	03:15	09:00	06:00			
	09:00	03:15	09:00	06:00			
	09:00	03:30	09:00	06:00			
	09:00	03:30	09:00	06:00			
	09:00	03:30	09:00	06:00			
Seasonal variations/ Non-standard timings:		Current:			Proposed:		
		From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour.			No change		

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
			Proposed Hours		Licensable Area	
Monday	Start:	End:	Start:	End:	Current:	Proposed:
	23:00	23:30	23:00	05:00	Basement, ground floor and	No change
Tuesday	23:00	23:30	23:00	05:00		

Wednesday	23:00	03:30	23:00	05:00	mezzanine	
Thursday	23:00	03:30	23:00	05:00		
Friday	23:00	03:30	23:00	05:00		
Saturday	23:00	03:30	23:00	05:00		
Sunday	N/A		23:00	05:00		
Seasonal variations/ Non-standard timings:	Current: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour				Proposed: No change	

Sale by Retail of Alcohol							
On or off sales			Current :		Proposed:		
			Indoors		No change		
Monday	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed: No change	
	10:00	23:30	09:00	06:00	Basement, ground floor and mezzanine		
	1000	03:15	09:00	06:00			
	10:0	03:00	09:00	06:00			
	10:00	03:00	09:00	06:00			
	10:00	03:00	09:00	06:00			
Seasonal variations/ Non-standard timings:	Current: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour				Proposed: No change		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	09:00	06:30	Basement, ground floor and mezzanine	Proposed: No change
Tuesday	09:00	03:30	09:00	06:30		
Wednesday	09:00	03:30	09:00	06:30		
Thursday	09:00	03:30	09:00	06:30		
Friday	09:00	03:30	09:00	06:30		
Saturday	09:00	03:30	09:00	06:30		
Sunday	09:00	00:00	09:00	06:30		
Seasonal variations/ Non-standard timings:	Current: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day. On commencement of British Summer Time one hour should be added to the terminal hour				Proposed: No change	

1-C Layout alteration

No change of layout is proposed

1-D Conditions being removed**Condition 17**

On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed:

Basement: 175

Ground Floor: 110

On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed:

Basement: 198

Ground Floor: 213 (this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).

Condition 20

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

Condition 37

There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.

Condition 44

From 8pm, licensable activities on a Thursday are only to be provided for private pre-booked corporate events, where a guest list will be held for the night and for 31 days after the event. The guest list must be made available on request to the Police or authorised officer of the City Council.

This condition was removed by Licensing Sub Committee on 13th February 2020

Condition 45.

There shall be no sales of alcohol for consumption off the premises at any time.

This condition was removed by Licensing Sub Committee on 13th February 2020

Adult entertainment:	Current position:	Proposed position:
	None	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Adam Deweltz
Received:	24 June 2020
20/04738/LIPV - Ground Floor, Victory House, 99 - 101 Regent Street, London, W1B 4EZ	
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>Extending licensable activity until 06:00 hours and removing quite pertinent conditions from the premises licence will invariably cause many issues in the area and have an impact on Policing resources.</p> <p>This matter will need to be heard before the Licensing Sub-Committee.</p>	
Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	16 July 2020
I write in relation to the application submitted for a variation of the premises licence for Ground Floor, Victory House, 99-101 Regent Street, London.	
<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 four Licensing Objectives:</p> <ul style="list-style-type: none">• Public Nuisance• Prevention of Crime & Disorder• Public Safety• Protection of children from harm	
The application seeks the following variations:	
<p>The proposed variation is to extend the provision for regulated entertainment indoors (to include plays, films, live music, recorded music, performance of dance and anything similar) from the current hours of Monday to Tuesday 09:00 to 23:30, Wednesday 09:00 to 03:15, Thursday to Saturday 09:00 to 03:30 and Sunday 09:00 to 22:30 to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning.</p> <p>To extend the sale of alcohol on and off the premises from the current hours of Monday to Tuesday 10:00 to 23:30, Wednesday to Saturday 10:00 to 03:00 and Sunday 12:00 to 22:30 to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning.</p>	

To extend the provision for late night refreshment indoors from the current hours of Monday to Tuesday 23:00 to 23:30 and Wednesday to Saturday 23:00 to 03:30 to the proposed hours of Monday to Sunday 09:00 to 06:00 the following morning.

The opening hours of the premises will be Monday to Sunday 09:00 to 06:30 the following morning.

To remove conditions, 17, 20, 37, 44 and 45 which are taken from premises licence 19/08094/LIPV relating to occupancy of the premises, provision of substantial food and private pre-booked events and prohibition of off sales.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PB2 and MD2.

The application and operating schedule falls within Westminster's MD2 and PB2 Policy. It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within Core Hours under Policy HRS1. In paragraph 2.5.23 and 2.5.48 the Licensing Authority considers that the grant of variations for pubs and bars plus premises offering facilities for music and dancing in the Cumulative Impact Areas should be limited to exceptional circumstances.

The current licence which was varied and granted at Licensing Sub Committee on the 13th February 2020 agreed with the below hours for Licensable Activities. The Licensing Authority has concerns in the extension of these hours under HRS1 policy as on some days there can be an increase of six and a half hours where Licensable Activities will be provided if the licence was minded to be granted.

Performance of Live Music

Monday to Tuesday: 09:00 to 23:30

Wednesday: 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

Playing of Recorded Music

Monday to Wednesday 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

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

Monday to Tuesday: 09:00 to 23:30

Wednesday: 09:00 to 03:15

Thursday to Saturday: 09:00 to 03:30

Sunday: 09:00 to 22:30

Late Night Refreshment

Monday to Tuesday: 23:00 to 23:30

Wednesday to Saturday: 23:00 to 03:30

Sale by Retail of Alcohol

Monday: 10:00 to 23:30

Tuesday: 10:00 to 03:15

Wednesday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 22:30

The Licensing Authority would encourage the applicant to provide further submissions as to why

they have proposed to remove of condition 20;

Condition 20 - Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

The applicant has applied to extend the hours for 'Off Sales' to 06:00. The Licensing Authority would encourage the applicant to provide further submissions and information as to how the 'Off Sales' is intended to be operated and controlled from the premises to ensure that there is no adverse impact within the West End Cumulative Impact Area.

The Licensing Authority note that on the decision notice from the Licensing Sub-Committee held on the 13th February 2020 for the previous variation (19/15018/LIPV) which only circulated on 2nd July 2020. The Licensing Sub-Committee has already agreed to remove conditions 44 and 45 below.

44. From 8pm, licensable activities on a Thursday are only to be provided for private pre-booked corporate events, where a guest list will be held for the night and for 31 days after the event. The guest list must be made available on request to the Police or authorised officer of the City Council.

45. There shall be no sales of alcohol for consumption off the premises at any time.

The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1.

Therefore, it is a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy.

Please accept this as a formal representation.

Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	13 July 2020

I refer to the variation Premises Licence for the above premises. The premises already benefits from a premises licence 19/15018/LIPV.

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

This representation is based on the Operating Schedule, no further layout plans have been submitted.

The applicant is seeking the following:

1. To extend the hours for the Supply of Alcohol 'on' and 'off' the premises to Monday-Sunday 09:00-06:00 hours.
2. To extend the hours for Late Night Refreshment 'indoors' from to Monday-Sunday 23:00-05:00 hours.
3. To extend the hours for regulated entertainment 'indoors' including Plays, Films, Live Music, Recorded Music, Performance of Dance and Anything Similar to Monday-Sunday

09:00-06:00 hours.

4. To remove conditions 17, 20, 37, 44 and 45.

I wish to make the following representation in relation to the above application:

1. The extension of hours for the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area.
2. The extension of hours for Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.
3. The extension of hours for Regulated Entertainment may cause an increase in Public Nuisance in the cumulative impact area.
4. The removal of the conditions may cause an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.

The applicant has not proposed any additional conditions within the Operating Schedule. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

The granting of the variation Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and impact Public Safety.

2-B Other Persons

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	16 July 2020		

We work in a [REDACTED] and often come into work early. I do not feel comfortable or safe with alcohol being served until 6am and having intoxicated people when I am coming into work.

I feel this would be very disruptive for local residents and businesses alike.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	16 July 2020		

We work in a [REDACTED] and often come into work early. I do not feel comfortable or safe with alcohol being served until 6am and having intoxicated people when I am coming in to work.

I feel this would be very disruptive for local neighbours and businesses alike

Name:			
Address and/or Residents Association			
Status:	Valid	In support of opposed:	Opposed
Received:	16 July 2020		
<p>I live at [REDACTED]. I work from home (also before lockdown) and this is my main home, not a weekday flat. There are 6 more residences in my building and several flats on Sackville St overlooking this end of Swallow St.</p> <p>The neighbouring properties are offices, 2 restaurants closing at around 11pm, a Jo Malone and a Hollister store, and a coffee shop closing at around 7pm. The Club has no outside seating or outdoor premises, just a door. Therefore, people going in/out congregate outside, and Swallow St becomes rather a loud rubbish bin and loo late at night. I do of course sympathise with the coronavirus situation but am very concerned about increased noise pollution, disorder, public safety and public nuisance if the license is extended and its conditions are removed.</p> <p>Being able to open all night long 7 days a week, removing the limit on the number of patrons, removing the controls on bookings and entry/re-entry, introducing off-premises alcohol sales at an indoor venue, and removing the need to sell food and non-intoxicating beverages and water alongside drinks, are all counter-intuitive to the concept of social distancing, and contrary to the interests of public safety, preventing public nuisance and disorder, and of public health. There is little space by the Club door and the Crown Estate is putting up scaffolding to clean all the Regent St and Swallow St buildings, which will further reduce that area. The previous noise pollution - music and patrons - and public drinking will be exacerbated and the larger numbers of patrons raises serious health concerns.</p> <p>I strongly urge the Club to use other ways of increasing revenue, and ask that the license amendment and removal of license conditions be declined.</p>			

3. Policy & Guidance

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

Policy CIP1 applies	<ul style="list-style-type: none"> (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy HRS1 applies:	<ul style="list-style-type: none"> (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. <p>For premises for the supply of alcohol for consumption on the premises: Monday to Thursday: 10:00 to 23:30</p>

	<p>Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p>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</p> <p>For premises for the provision of other licensable activities: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1
Policy MD2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.

4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Premises Licence19/15018/LIPV
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Metropolitan Police Service Representation	24 June 2020
5	Licensing Authority Representation	16 July 2020
6	Environmental Health Service Representation	13 July 2020
7	Interested party Representation	16 July 2020
8	Interested party Representation	16 July 2020
9	Interested party Representation	16 July 2020



Schedule 12
Part A

WARD: West End
UPRN: 010033542355

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

Premises licence

Regulation 33, 34

Premises licence number:

19/15018/LIPV

Original Reference:

09/06341/LIPN

Part 1 – Premises details

Postal address of premises:

Cuckoo Club
Ground Floor
Victory House
99 - 101 Regent Street
London
W1B 4EZ

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
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance
Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Exhibition of a Film
Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30

Seasonal Details: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Performance of Live Music

Monday to Tuesday:	09:00 to 23:30
Wednesday:	09:00 to 03:15
Thursday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Playing of Recorded Music

Monday to Wednesday	09:00 to 03:15
Thursday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

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

Monday to Tuesday:	09:00 to 23:30
Wednesday:	09:00 to 03:15
Thursday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Late Night Refreshment

Monday to Tuesday:	23:00 to 23:30
Wednesday to Saturday:	23:00 to 03:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Sale by Retail of Alcohol

Monday:	10:00 to 23:30
Tuesday:	10:00 to 03:15
Wednesday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

The opening hours of the premises:

Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 00:00

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

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

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

Part 2

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

Unicorn Capital Limited
1st Floor
Victory House
99-101 Regent Street
London
W1B 4EZ

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

06986974

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

Name: Christopher Panayotis Tavoularis

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: 155125
Licensing Authority: The Royal Borough Of Kensington And Chelsea

Date: 02 July 2020

This licence has been authorised by Kevin Jackaman 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. 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.
10. 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

None

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

11.
 - a) All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises on the ground floor before 10pm.
 - b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.
12. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
14. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
15. The duty manager will take immediate and effective steps if either floor is found to be in excess of its permitted capacity.
16. A daily register shall be kept of all members of staff and security personnel on duty. The register will clearly indicate the two additional staff employed for enforcing the smoking ban and supervising the queues and others outside.
17. On Sundays to Thursdays the number of persons accommodated (excluding staff) at any one time shall not exceed:
Basement: 175
Ground Floor: 110

On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed:
Basement: 198
Ground Floor: 213
(this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).
18. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

19. After 22.30 hours the sale of alcohol must be ancillary to the use of the premises for music and/or dancing and/or substantial refreshment.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. 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.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
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 when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (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. The emergency exit doors shall be maintained closed at all times. These exit doors shall not be used for general access or egress at any time except in cases of emergency.
26. Curtains and hangings shall be arranged so as not to obstruct any emergency sign or exits.
27. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame-retarded fabric.
28. 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).
29. No loudspeakers shall be located in or near the entrance lobby.
30. The entrance door and inner lobby door shall be kept closed at all times except for the immediate access and egress of patrons.
31. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
32. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the council.

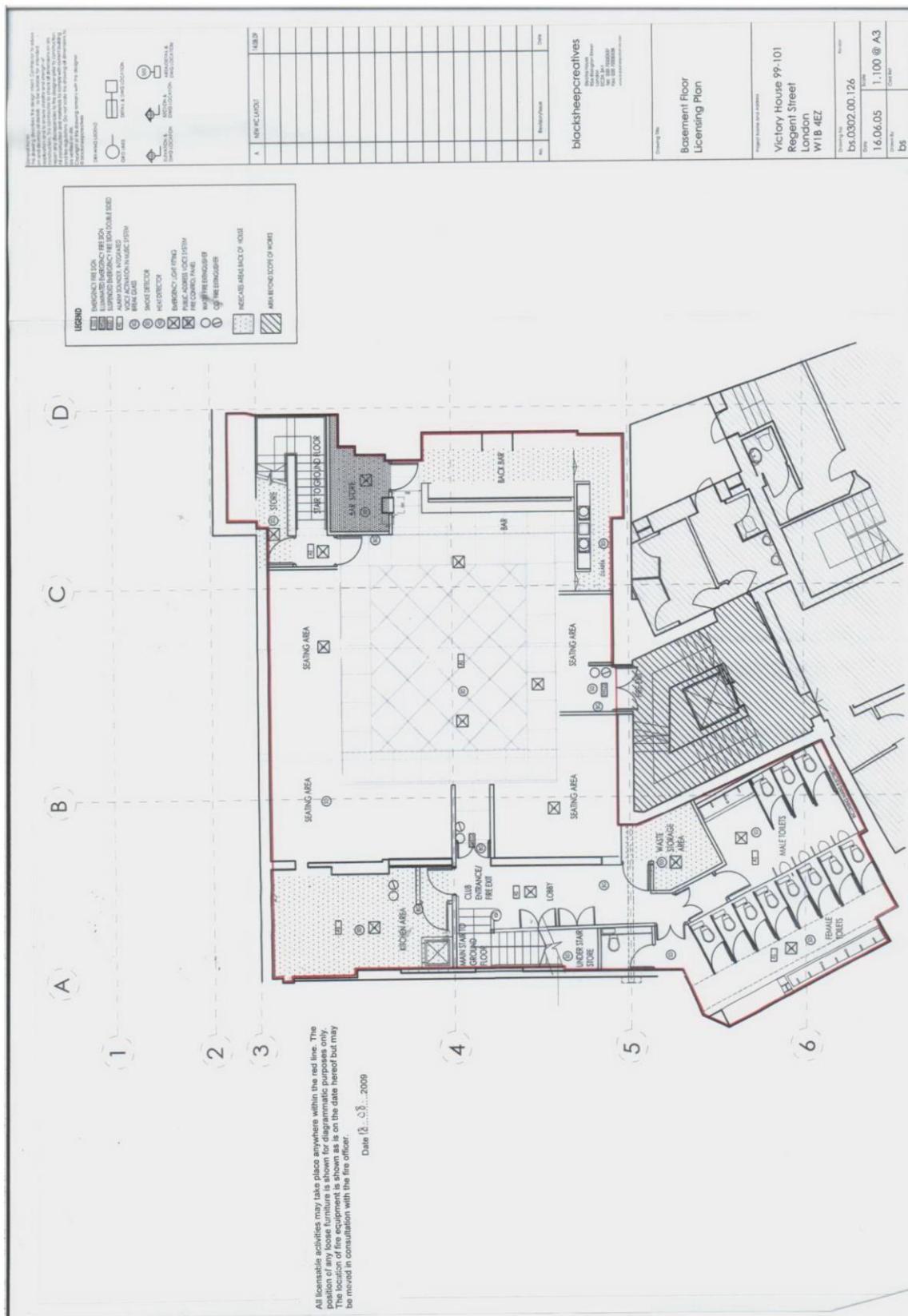
34. On New Year's Eve the premises can remain open for the purpose of providing licensable activities from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
35. One member of staff will be stationed at the side door at all times to manage those temporarily leaving the premises. He/she will use a stamp system and will ensure only those stamped will be allowed to re-enter the club.
36. A member of the management team will be employed inside the premises to enforce the smoking ban.
37. There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.
38. A personal licence holder will be on duty at all times alcohol is sold or supplied.
39. All SIA registered door supervisors solely engaged outside the entrance to the premises who are supervising or controlling queues, shall wear high visibility jackets or vests after Midnight.
40. There shall be a random search policy in place for persons entering or re-entering the premises and all searches shall be conducted by an SIA registered Door Supervisor.
41. After 10pm or whenever, regulated entertainment takes place a minimum of two SIA registered door supervisors will be employed until 30 minutes past closing time, and further door supervisors shall be employed at the rate of one door supervisor for every one hundred customers thereafter. On Fridays and Saturdays there shall be a minimum of at least one male and one female door supervisor on duty.
42. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
43. Three separate counts (exclusive of staff) shall be conducted every 30 minutes of the following:
- (a)
 - i) the number of persons on the ground floor
 - ii) the number of persons in the basement
 - iii) the total number of persons on the premises

Each count shall be recorded into a log book and signed as verified by the Head Door Supervisor and the Duty Manager. The log book shall be readily available for inspection by an authorised council officer or the Police.

b) The counts shall be inclusive of those who have temporarily left the premises.

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

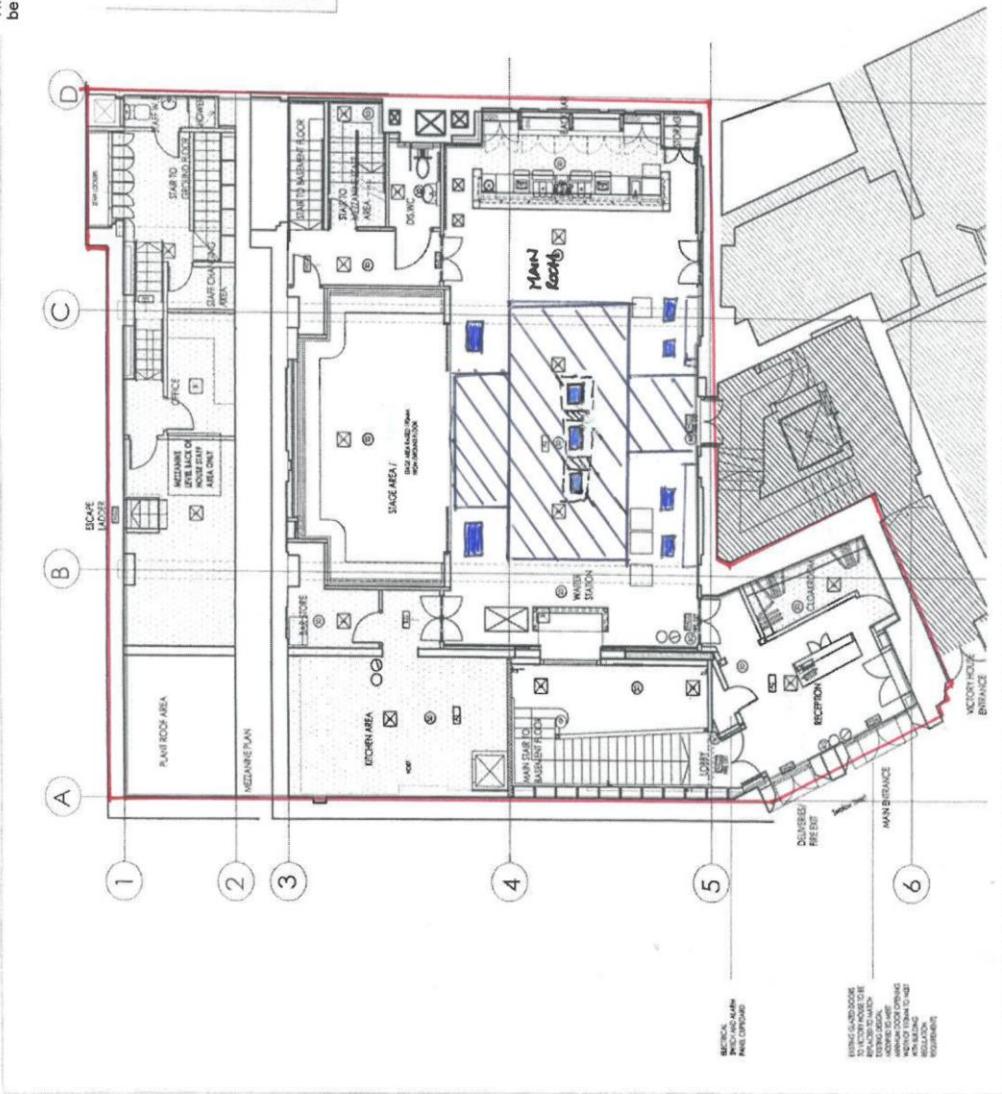
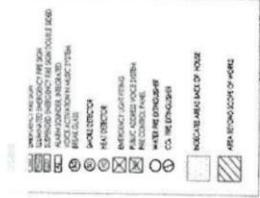
Annex 4 – Plans



All licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as it is on the date hereof but may be moved in consultation with the fire officer.

Dated 10/11/03

RECORD
DRAWING





Schedule 12
Part B

WARD: West End
UPRN: 010033542355

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

Premises licence
summary

Regulation 33, 34

Premises licence number:

19/15018/LIPV

Part 1 – Premises details

Postal address of premises:

Cuckoo Club
Ground Floor
Victory House
99 - 101 Regent Street
London
W1B 4EZ

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
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance
Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30
Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.
On commencement of British Summer Time one hour should be added to the terminal hour.

Exhibition of a Film
Monday to Tuesday: 09:00 to 23:30
Wednesday: 09:00 to 03:15
Thursday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 22:30
Seasonal Details: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Performance of Live Music

Monday to Tuesday:	09:00 to 23:30
Wednesday:	09:00 to 03:15
Thursday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Playing of Recorded Music

Monday to Wednesday	09:00 to 03:15
Thursday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

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

Monday to Tuesday:	09:00 to 23:30
Wednesday:	09:00 to 03:15
Thursday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Late Night Refreshment

Monday to Tuesday:	23:00 to 23:30
Wednesday to Saturday:	23:00 to 03:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

Sale by Retail of Alcohol

Monday:	10:00 to 23:30
Tuesday:	10:00 to 03:15
Wednesday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 22:30

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

The opening hours of the premises:

Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 00:00

Non-standard Timings: From the end of the permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day.

On commencement of British Summer Time one hour should be added to the terminal hour.

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

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

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

Unicorn Capital Limited
1st Floor
Victory House
99-101 Regent Street
London
W1B 4EZ

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

06986974

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

Name: Christopher Panayotis Tavoularis

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

Restricted

Date: 02 July 2020

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

Applicant Supporting Documents**Appendix 2**

None submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
09/06341/LIPN	New Premises Licence	19 November 2009	Granted by Licensing Sub-Committee
10/01280/LIPRW	Removal of Works Condition	25 October 2010	Granted under delegated authority
15/00635/LIPDPS	Variation of the designated premises supervisor	3 February 2015	Granted under delegated authority
16/13277/LIPVM	Minor variation – addition of conditions agreed with the Police	29 December 2016	Granted under delegated authority
19/07991/LIPDPS	Variation of the designated premises supervisor	24 July 2019	Granted under delegated authority
19/08094/LIPV	Full variation – extension of hours and update conditions	5 September 2019	Granted under delegated authority
19/15018/LIPV	Full variation – reduction of hours.	13 February 2020	Granted by Licensing Sub-Committee

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: $\frac{1}{2}$ 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. 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.

10. 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

None

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

11. a) All drinking containers used within the premises shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises on the ground floor before 10pm.

b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.
12. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.

14. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
15. The duty manager will take immediate and effective steps if either floor is found to be in excess of its permitted capacity.
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Ground Floor: 110

On Fridays and Saturdays the number of persons accommodated (excluding staff) at any one time shall not exceed:

Basement: 198

Ground Floor: 213

(this number to be reduced to 150 if tables and chairs are placed in the area hatched black on the plan ref BS.03002.00125 dated 10/11/09).

18. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
19. After 22.30 hours the sale of alcohol must be ancillary to the use of the premises for music and/or dancing and/or substantial refreshment.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. 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.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
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 when 10 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team (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. The emergency exit doors shall be maintained closed at all times. These exit doors shall not be used for general access or egress at any time except in cases of emergency.
26. Curtains and hangings shall be arranged so as not to obstruct any emergency sign or exits.
27. All fabrics, curtains, drapes and similar features shall be either non-combustible or be durably or inherently flame-retarded fabric.
28. 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).
29. No loudspeakers shall be located in or near the entrance lobby.

30. The entrance door and inner lobby door shall be kept closed at all times except for the immediate access and egress of patrons.
31. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
32. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the council.
34. On New Year's Eve the premises can remain open for the purpose of providing licensable activities 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).
35. One member of staff will be stationed at the side door at all times to manage those temporarily leaving the premises. He/she will use a stamp system and will ensure only those stamped will be allowed to re-enter the club.
36. A member of the management team will be employed inside the premises to enforce the smoking ban.
37. There shall be no entry or re-entry to the premises (except for smokers and staff) after 2am except that management may permit after 2am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of these persons to be retained for seven days and to be kept for police inspection.
38. A personal licence holder will be on duty at all times alcohol is sold or supplied.
39. All SIA registered door supervisors solely engaged outside the entrance to the premises who are supervising or controlling queues, shall wear high visibility jackets or vests after Midnight.
40. There shall be a random search policy in place for persons entering or re-entering the premises and all searches shall be conducted by an SIA registered Door Supervisor.
41. After 10pm or whenever, regulated entertainment takes place a minimum of two SIA registered door supervisors will be employed until 30 minutes past closing time, and further door supervisors shall be employed at the rate of one door supervisor for every one hundred customers thereafter. On Fridays and Saturdays there shall be a minimum of at least one male and one female door supervisor on duty.
42. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment

- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

43. Three separate counts (exclusive of staff) shall be conducted every 30 minutes of the following:
- (a) i) the number of persons on the ground floor
 - ii) the number of persons in the basement
 - iii) the total number of persons on the premises

Each count shall be recorded into a log book and signed as verified by the Head Door Supervisor and the Duty Manager. The log book shall be readily available for inspection by an authorised council officer or the Police.

b) The counts shall be inclusive of those who have temporarily left the premises.

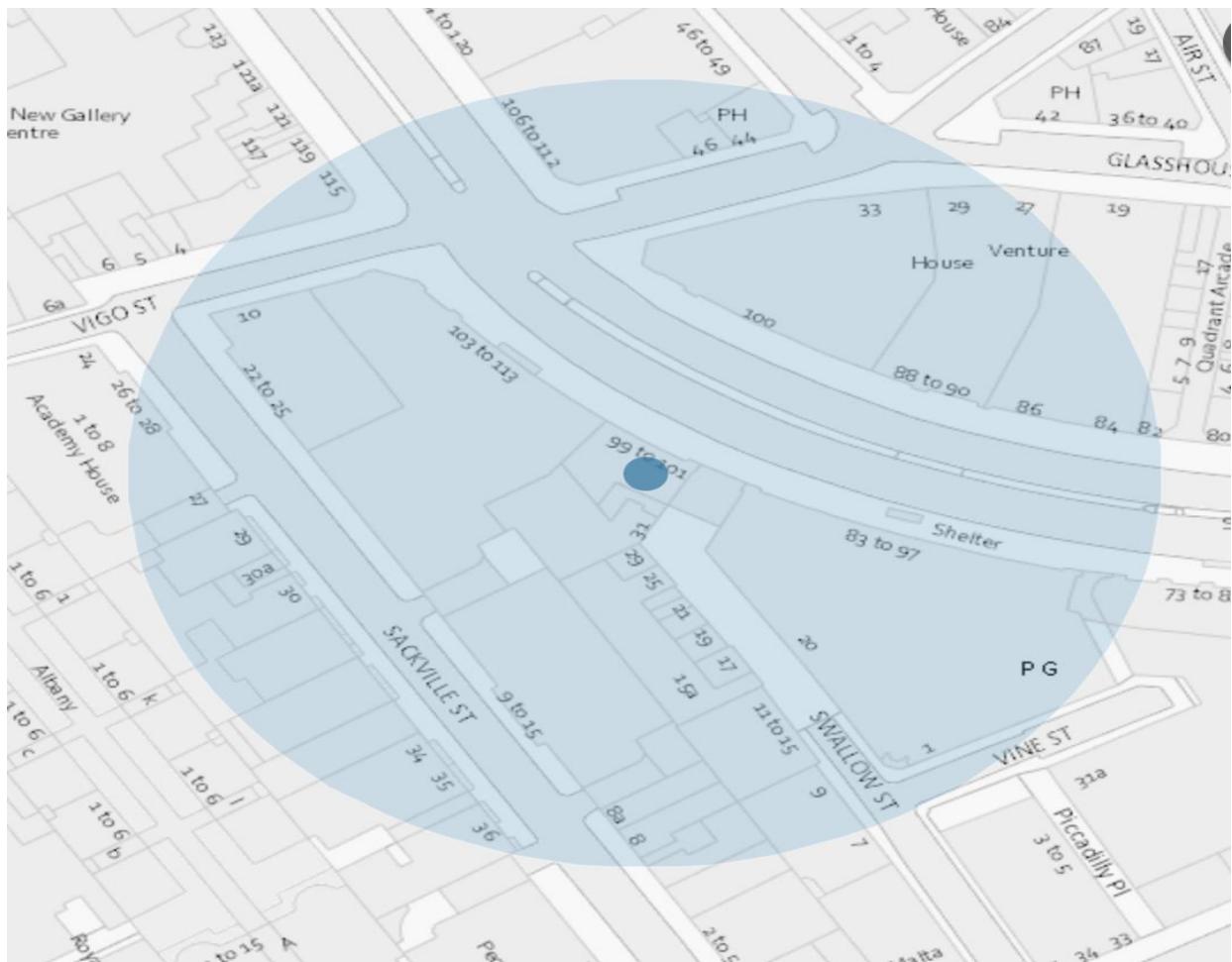
44. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Conditions proposed by the Metropolitan Police Service

45. When the premises are open, all customers entering after 22:00 hours will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). All customers entering shall have their facial image captured by the ID scanner camera, except for persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following exceptions, namely that a maximum number of 40 guests per night may be admitted at the Managers discretion without their ID necessarily being scanned and recorded.
46. There shall be no entry or re-entry to the premises (except for smokers and staff) after 04:30am except the management may permit after 4:30am a maximum of 15 persons who have pre-booked entry and provided their details in advance (but still ensuring the premises capacity is not exceeded). Details of those persons to be retained for seven days and to be kept for police inspection.

Residential Map and List of Premises in the Vicinity

Appendix 5



Resident count:8

Licensed premises within 75m of Ground Floor, Victory House, 99 - 101 Regent Street

Licence Number	Trading Name	Address	Premises Type	Time Period
16/13740/LIPCH	The Veeraswamy	Basement And First Floor Rear And Mezzanine Victory House 99 - 101 Regent Street London W1B 4EZ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/04531/LIPV	The Veeraswamy	Basement And First Floor Rear And Mezzanine Victory House 99 - 101 Regent Street London W1B 4EZ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

19/15773/LIPDPS	Classico	27-29 Swallow Street London W1B 4DW	Shop	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 10:00 - 22:30 Sundays before Bank Holidays; 07:00 - 00:00
20/01019/LIPDPS	Gaucho	Ground Floor To Second Floor 25 Swallow Street London W1B 4DN	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 09:00 - 03:00
20/01005/LIPDPS	Gaucho Grill	19 Swallow Street London W1B 4DJ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/00417/LIPDPS	Bentleys Seafood Restaurant	Basement 11 - 15 Swallow Street London W1B 4DG	Restaurant	Monday to Saturday; 09:00 - 01:30 Monday to Sunday; 09:00 - 03:30 Sunday; 12:00 - 01:00
18/04992/LIPN	Not Recorded	8A Sackville Street London W1S 3DF	Restaurant	Monday to Sunday; 07:00 - 01:00 Sundays before Bank Holidays; 07:00 - 02:00 Christmas Eve; 07:00 - 02:00 New Year's Eve; 07:00 - 02:00
19/11314/LIPDPS	Nandos	46 Glasshouse Street London W1B 5DR	Shop	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

19/07978/LIPDPS	Leicester Arms Public House	44 Glasshouse Street London W1B 5DP	Pub or pub restaurant with lodge	Monday to Thursday; 07:00 - 00:00 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 23:00 Sunday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:30
16/04447/LIPN	Nyetimber, 2nd Floor	Broughton House 6-8 Sackville Street London W1S 3DG	Not Recorded	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
19/04763/LIPDPS	Fishworks	Ground Floor 7 - 9 Swallow Street London W1B 4DE	Restaurant	Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00
18/12236/LIPDPS	Kadies Club	9 Swallow Street London W1B 4DF	Club or institution	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 03:00
17/01930/LIPDPS	Burberry	Development Site At 115 To 123 Regent Street And 5 Vigo Street London	Shop (very large)	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 18:00



City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	3 September 2020
Licensing Ref No:	20/04950/LIPV - Premises Licence Variation
Title of Report:	Zelman Meats 2 St Anne's Court London W1F 0AZ
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:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises							
Application Type:		Variation of a Premises Licence, Licensing Act 2003					
Application received date:		25 June 2020 Valid: 08 July 2020					
Applicant:		St Anne's Court Restaurant Ltd					
Premises:		Zelman Meats					
Premises address:		2 St Anne's Court London W1F 0AZ	<table border="1"> <tr> <td>Ward:</td><td>West End</td></tr> <tr> <td>Cumulative Impact Area:</td><td>West End</td></tr> </table>	Ward:	West End	Cumulative Impact Area:	West End
Ward:	West End						
Cumulative Impact Area:	West End						
Premises description:		This premises currently operates as a restaurant.					
Variation description:		<p>This application seeks the following:</p> <ul style="list-style-type: none"> • To add off sales of alcohol (limited to sealed containers and with a take-away meal) • To permit the take-away of food for delivery/collection (i.e. not for immediate consumption) • To permit the use of the bar by up to 12 non-diners until 8pm 					
Premises licence history:		The premises have had the benefit of a licence, Licence number 19/11368/LIPVM from 2005. A copy of the licence can be found at Appendix 4 .					
Applicant submissions:		There are no submissions from the applicant.					

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :		Proposed:		
		Indoors		No variation sought		
	Current Hours	Proposed Hours	Licensable Area			
	Start: End:	Start: End:	Current:	Proposed:		
Monday	23:00	23:30	No variation sought	Ground Floor		
Tuesday	23:00	23:30		No variation sought		
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday	N/A	N/A				
Seasonal variations/ Non-standard timings:		Current:		Proposed:		
		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		No variation sought		

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On Sales		Both	
		Current Hours		Proposed Hours	Licensable Area	
		Start:	End:	Start:	End:	Current:
Monday	10:00	23:30	No variation sought	Ground Floor		No variation sought
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No variation sought	

Hours premises are open to the public						
		Current Hours		Proposed Hours		Premises Area
		Start:	End:	Start:	End:	Current:
Monday	10:00	23:30	08:00	23:30		Ground Floor
Tuesday	10:00	23:30	08:00	23:30		
Wednesday	10:00	23:30	08:00	23:30		
Thursday	10:00	23:30	08:00	23:30		
Friday	10:00	00:00	08:00	00:00		
Saturday	10:00	00:00	08:00	00:00		
Sunday	12:00	22:30	08:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	

1-C Conditions to be removed	
Condition 14 (iv)	
<ul style="list-style-type: none"> Which do not provide any take away service of food or drink. 	

Condition 15

- There shall be no sales of alcohol for consumption off the premises.

1-D Conditions to be added	
<ul style="list-style-type: none"> Off sales of alcohol shall be in sealed containers only and ancillary to a take-away meal. Take-away meals for delivery/collection shall not be for immediate consumption Notwithstanding condition 14.(v) above, alcohol may be supplied in the bar area (hatched green) to a maximum of 12 non-diners until 20:00. 	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ayesha Bolton
Received:	29 July 2020

I refer to the application for variation of a Premises Licence for the above premises. This representation is based on the application and operating schedule submitted.

The applicant is seeking the following:

1. Permit off sales of alcohol (limited to sealed containers and with a take-away meal).
2. Permit take away of food for delivery/ collection (i.e. not for immediate consumption).
3. Permit the bar to be used by up to 12 non-diners until 8pm.

I wish to make the following representation:

1. Representation raised. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
2. Representation raised. The hours requested for the Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area.
3. Representation raised. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.

Should you wish to discuss the matter further please do not hesitate to contact me.

Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	27 July 2020

I write in relation to the application submitted for a variation of the premises licence for 2 St Anne's Court, London, W1F 0AZ.

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 four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following variations:

1. Add off sales of alcohol (limited to sealed containers and with a take-away meal)
2. Permit take away of food for delivery/ collection (i.e. not for immediate consumption)
3. Permit the bar to be used by up to 12 non-diners until 8pm

Notwithstanding condition 14.(v) above, alcohol may be supplied in the bar area (hatched green) to a maximum of 12 non-diners until 20:00.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely HSR1, CIP1, RNT2 and PB2.

The Licensing Authority has concerns over the permitting of a bar area that's conditioned below for the use of up to 12 non-diners with no ancillary nature to the Sale of Alcohol.

Notwithstanding condition 14.(v) above, alcohol may be supplied in the bar area (hatched green) to a maximum of 12 non-diners until 20:00.

Paragraph 2.5.3 of Westminster's Licensing Policy states 'The council is particularly concerned that restaurant premises in the stress areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening. Submission has been made that not every individual in a group may wish to eat, but should not be prevented from accompanying diners and having a drink. The council, however, is not minded to relax conditions for restaurants where alcohol may only be consumed by persons as an ancillary to their substantial table meal. However, it will prioritise its enforcement efforts at preventing a change of character of the premises towards bar use.'

This specific part of the application relating to the green hatched bar area falls within Westminster's PB2 policy which states that the variation of licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances.

The Licensing Authority encourages the applicant to provide further submissions to the questions below;

1. How will this green hatched bar area be operated and controlled i.e will it be by way of waiter/waitress service, will patrons be seated or be vertical drinking?
2. What happens to this bar area after 20:00 will this area revert back to come under condition 14 (full MC66)?

The Licensing Authority note that the applicant has proposed 'Off Sales' with the below proposed conditions within the operating schedule.

1. *Off sales of alcohol shall be in sealed containers only and ancillary to a take-away meal.*
2. *Take-away meals for delivery/collection shall not be for immediate consumption.*

The Licensing Authority encourages the applicant to provide further submissions as to how the

'Off Sales' will not add to cumulative impact and propose the applicant consider the following conditions;

1. There shall be no sales of alcohol for consumption off the premises after 23:00.
2. Delivery drivers will be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway. The licence holder will positively encourage delivery drivers to use quieter vehicles that are less likely to cause a nuisance such as bicycles.

The Licensing Authority would like confirmation whether the applicant is agreeable to the above proposed conditions to be able to assess any further relevant policy considerations.

The Licensing Authority encourages the applicant to provide further submissions as to how this variation with the proposed bar area will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	23 July 2020		

Objections

1. Will attract the homeless
2. First and foremost are a Restaurant
3. The hours being asked for asked for absolutely outrageous till 11.00pm!
4. All ready every weekend Saturday and Sunday there are thousands that congregate, loud music, drunkenness, defecation, loitering in the streets till 02.00pm
5. Zelman Meets, have often changed their licence, with no regards to the added noise, their customers, loitering till after 02.00pm, urinating in St. Annes Court,
6. Extremely heavy human traffic, leading to affecting their neighbours health
7. There is all ready too much noise of moving furniture which resonates up through to the [REDACTED] their unit, Zelmen have yet to address this issue
8. This will attract much unwanted attention, humans like have a fun time specially, drink, food, their noise level increases, behaviour that of Britons abroad
9. I have always objected to no avail.

Name:	[REDACTED]
-------	------------

Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	17 July 2020		

I strongly object to this change of licence.

[REDACTED] When they were first granted a licence we, the residents [REDACTED] were assured this place would be a sit in restaurant only. If takeaway is allowed there is a high possibility of people hanging around St Anne's Court eating and consuming alcohol [REDACTED]

[REDACTED] Delivery service will cause similar problems with cycle delivery drivers congregating in St Anne's Court with their cycles as happens in other parts of the area. St Anne's Court is a paved area and quite narrow this would also encourage more cycling along St Anne's Court which already happens and is dangerous. I cannot see how a maximum of 12 drinkers at the bar will be enforced. If there are 10 drinkers at the bar and another 4 people turn up i can't believe 2 of them would be turned away. I strongly object to all parts of this application.

This place is a nuisance. They are supposed to close at 11.30pm and yet we have noise through most of the night, clashing and banging of furniture and what sounds like metal cutlery being thrown into a metal drawer. I am woken most nights by noise from these premises. To gain entrance during the night people are tapping loudly on the glass with a coin. When I politely complained they denied it was coming from their premises telling me there was nobody there at night. This is completely untrue as there are no other premises close by. Any change in their licence will undoubtedly compound the problems we already suffer. When this building was built the area Zelman meats occupy was meant to be a shop but somewhere along the line unfortunately for residents [REDACTED] this was changed to licence premises which have historically been nothing but trouble.

Name:	[REDACTED]		
Address and/or Residents Association			
Status:	Valid	In support of opposed:	Opposed
Received:	21 July 2020		

Horrified that Zelmans have chosen this opportunity to slip in a variation of this sort hoping that it would not be noticed with the huge crisis affecting people's response. Although we have sent a [REDACTED] letter, I feel that it should be noted that they are already not able to live up to the promises to abide by the noise control demands. Their turnover of staff means that they are constantly flouting the most basic things such as turning off booster fans and making residents miserable with their noise. We have opposed the bar with good reason for all this time. The noise generated by any bar in Soho is plain and [REDACTED], that already has had terrible historic problems, is unthinkable. They already told mistruths in the last hearing and we cannot trust them as a company. Takeaway is also not suitable as we have said before many times and really for us to have to go over the same ground is ridiculous. Sorry to be so negative but there are already enough bars in Soho and it will be the thin end of the wedge before they push these limits further and we have another Revolution Bar situation.

Name:	[REDACTED]		
Address and/or Residents Association			
Status:	Valid	In support or opposed:	Opposed

Received:	10 July 2020						
I am writing as Chair of the [REDACTED], representing the [REDACTED]							
[REDACTED] There is a long history of bad behaviour from the applicant to the serious detriment of their neighbours. This has included ignoring of licence conditions, noise, smoking, rubbish and rudeness.							
A major condition of the current licence has been that the premises does not operate as a bar but as a restaurant with alcohol served only with a full meal. Varying this condition, along with off sales, will seriously change the nature of the business, and lead to drinking and smoking in the narrow lane that we all live on.							
Many of the residents are elderly and house-bound, some are with small children.							
A street drinking culture in this confined space would be very harmful to the area.							
<table border="1"><tr><td>Name:</td><td>[REDACTED]</td></tr><tr><td>Address and/or Residents Association</td><td>[REDACTED] [REDACTED] [REDACTED]</td></tr></table>				Name:	[REDACTED]	Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]
Name:	[REDACTED]						
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]						
Status:	Valid	In support or opposed:	Opposed				
Received:	05 August 2020						
Please see the full representation at Appendix 1 .							

3. Policy & Guidance

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

Policy CIP1 applies	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. 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 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: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30
Policy RNT2 applies	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

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, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	█████████████████████ Representation
Appendix 2	Premises plans
Appendix 3	Applicant supporting documents
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service Representation	29 July 2020
5	Licensing Authority Representation	27 July 2020
6	Resident Representation 1	23 July 2020
7	Resident Representation 2	17 July 2020
8	Resident Representation 3	21 July 2020
9	Resident Representation 4	10 July 2020
10	Resident Representation 5	05 August 2020

**Representation in respect of variation of application for new premises licence ref:
20/04950/LIPV- 'Zelman Meats', 2 St Anne's Court'**

'Z', Zelman Meats, formerly Rex & Mariano, Smack Deli and previously under different management, The Vodka Revolution Bar at 2 St Anne's Court, London W1F 0AZ

Background

[REDACTED]

[REDACTED]

The Licensing Committee in Thursday 31st of July 2014 noted that the venue should note "*that Local Residents had experienced specific problems with noise outbreak and it was agreed that the Applicant would be required to proceed with the necessary attenuation measures before the application was signed off by Environmental Health. A 'No Noise Shall Emanate' model condition was attached to the licence.*"

Zelman's committed to providing a telephone contact number to neighbours and the public. Zelman's undertook that they would not use the separate entrance i.e. the 'bar door' next to the main door at [REDACTED]. Zelman's do not have a music licence.

Zelman's is owned by Goodman Restaurants.

I am objecting to Zelman's variation on the grounds of competency to keep the commitments they made with Westminster Noise Team and neighbours to manage noise and vibration coming from their premises, the assurances they made about not running an independent bar or take away. I submit that the likely effect of the application if granted would be to harm the licensing objectives, particularly 'prevention of public nuisance' and 'prevention of crime and disorder'.

Ongoing noise and vibration

[REDACTED] Zelman Meats is number 2, [REDACTED]

Zelman Meats/[REDACTED]

The development runs from east to west along St. Anne's Court which is a narrow alley connecting Dean Street with Wardour Street.



[REDACTED] atop Zelman Meats which is managed by Soho Housing.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Zelman's kitchen, running north to south from its entrance on the Dean Street side, [REDACTED]

The noise disturbance comes from Zelman's use of an extractor unit in their kitchen, the loud disposal of waste in the echoing alcoves at the rear of the building, noise from customers gathering outside their main door taking a break and the chatter and occasional music from open windows especially after 9pm.

I am particularly affected by the ongoing noise and vibration from the kitchen's extractor unit.

When Zelman's redesigned the venue, they were advised by the landlord and their acoustic engineers not to use the riser in the kitchen but to 'go out the back'. Built in the 1980's the building lacks adequate insulation it was not designed to support heavy kitchen output.

Zelman's went ahead because at the time they were operating as a fish restaurant 'Rex and Mariano'. When Zelman's changed to become a meat restaurant, they continued with the sole use of the kitchen extractor unit built into the wall under my bedroom.

Zelman's designers also removed the acoustic tiles from the restaurant's ceiling. Later, despite complaints about the noise, Zelman Meats added specialized grills in the kitchen and put in aluminum worktops, splash backs, hoods and hollow cupboards. They covered the back wall with ceramic tiles and placed a glass wall covering a flame grill. This created a mostly enclosed space which now acts as amplifier for any noise made in the kitchen.

Bangs on the worksurfaces [REDACTED] as loud booms. Zelman's kitchen is now all but boxed-in. Crucially for their extractor, it also appears to be cut off from effective use of their restaurants other air-conditioning, making the kitchen more reliant on their single extractor.

The riser for that kitchen extractor unit goes up [REDACTED] exits on the roof. It makes a continuous sound [REDACTED], not unlike the engine of a ship. The noise and vibration [REDACTED] unusable during the day but at busy periods in the evenings, the noise and vibration spreads across the shared wall with Zelman's [REDACTED]

When the Extractor unit is left on overnight, [REDACTED].

Zelman's extractor had made so much noise down into the yard of [REDACTED], that Zelman's had to replace the fan & turn the hood to the right (east). (Dec 2016)

This made the internal vibrations [REDACTED]. The exhaust blows back out onto the shared wall and into other ventilators, extending the spread of noise & vibration. (pic right)

The change was made without an impact assessment.



Zelman's Extractor Hood on [REDACTED] roof above the yard

Westminster Noise Team [REDACTED]. They were asked on a Sunday evening when Zelman's Restaurant was moderately busy.

The noise [REDACTED] was judged to reach the level of a statutory nuisance and Zelman's were asked to provide a solution. (Feb 2017).

Attenuations were fitted to the extractor but were insufficient due the design of the building and its lack of insulation.

Because of this, an agreement was reached between Westminster Environmental Health, Noise Team, representatives for Zelman's, [REDACTED] then manager at Soho Housing and myself that Zelman's kitchen units must operate at a lower capacity. The Extractor unit is now on a timer and inhibitor which regulates its operations capacity for the Kitchen, to run at not more than 75% capacity. The timer shuts the unit, which currently starts at 09:00 shuts off

automatically at 23:00 to avoid staff error. The Regulator inhibits the kitchen's extractor unit and is set by Zelman's.

After a major review by Zelman's Community Group of all kitchen systems in Sept 2017 Zelman's Manager Natalie Malla set the extractor to run at 70%. This was to "comply with Westminster Council and to make it less intrusive for residents" (Report/Minutes via email 08 September 2017)

The review was carried out by Zelman's Community Group, with Maintenance Engineer [REDACTED] [REDACTED] in consultation with Chef [REDACTED] and former housing manager [REDACTED] of Soho Housing. The report also sought to reassure that the kitchen would not use the 'booster button' except when necessary. This restraint continued under new General Manager [REDACTED]
[REDACTED]

Kitchen practice appeared to change after [REDACTED] left along with Chef [REDACTED] and Manager [REDACTED]. A new Property Manager was appointed and site management for Zelman's fell to former Operations Director [REDACTED] for a time, followed by [REDACTED] in Jan 2019 and the noise and vibration began once more to intrude [REDACTED]

'Booster Button'/Manual over-ride for 30min periods

There is a manual over-ride or 'booster button' affixed to the extractor unit, which when pressed returns the extractor unit to 100% capacity for a 30-minute period. This is supposed to be 'in practice only used sparingly', for health and safety reasons to clear smoke from the kitchen's meat-smokers and grills.

At 100% capacity the noise from the extractor unit repeats the original nuisance.

Kitchen Staff work-around of agreed solution

However, Zelman's kitchen staff have discovered that by repeatedly pressing this 'booster button', they can add multiples of 30-minute periods in a continuous sequence. A 'boost' can therefore last the entire night e.g. 8pm to 10:30 at 30mins +30mins +30mins etc until the kitchen closes.

Repeatedly pressing the 'booster button' undermines the agreed solution outlined above.

It allows the original statutory noise nuisance to be replicated for whole nights returning the kitchen 100% capacity especially on the busier nights of Thursday, Friday and Saturday.

Ventilator On/Off, Fan Speed & Booster picture right



This work-around can be equally effective if the system is disabled or put off-line. It's when staff forget to put the system back online at the end of the night, that's when the extractor unit runs all night.

When this began to occur for several nights in a row despite complaints via text, email and site visits, it drew attention to this practice that the kitchen staff may be using, consciously or not, to get around the agreement with the Westminster Noise Team.

The excuses for this have ranged from 'the machine developed a fault', 'had come off the timer' 'junior staff members kept pressing it not knowing/by accident', 'it turned on by itself', "the booster button has been going on past 30mins ... (we) will send someone to re-program it", 'We will ask or maintenance people to take a look', 'wait for our maintenance firm to make a report' / do a review', to 'the button for the machine is too easy to knock from 'Automatic to Manual' to 'there is no button it is all automated' – there was also a promise to put a protection over the button and add a warning message – I don't know if this has been done.'

A previous manager [REDACTED] said that senior Zelman's kitchen staff considered it was '*impossible to run the kitchen without running the extractor at 100%*.' If this is the case then Zelman's need to provide an alternative solution.

When the 'booster button' is pressed, I can feel the difference in the noise level and vibrations along [REDACTED]. I can feel the changes in audio pressure [REDACTED].

The noise and vibration are an intrusive and oppressive presence and I have no way of knowing whether it will end in 30 mins or an hour or last the rest of the night - nor do I ever know for sure that won't last *all* night.

It is an extremely stressful way to live and has been going on for more than 2 years.

At a formal meeting on 14 January 2019 with former Site Manager, [REDACTED], I asked current Executive Chef, former Head [REDACTED], about the use of the 'Booster Button' and if the kitchen staff or current Head Chef [REDACTED], were pressing it repeatedly or disabling it altogether as some kind of 'work-around', Head Chef [REDACTED] avoided eye-contact with me and did not answer but looked to [REDACTED] who didn't answer the question. Instead, [REDACTED] offered a review of kitchen procedures. (*Minutes, 14 January 2019*)

It was clear that whatever the answer was it was not one that former Head Chef, current Executive Chef [REDACTED], or [REDACTED] wished to share with me. What was said, was that 'only Olly is authorized to push it'.

Zelman's need to provide an auxiliary to their extractor unit so that staff are not tempted to over use the booster button because it's over-use is extending the original statutory nuisance.

However, looking to resolve this problem through dialogue has proved extremely difficult.

Engaging with Zelman's Staff

Under former Goodman's Operations Director [REDACTED] and former General Manager [REDACTED] and Assistant Manager [REDACTED], the relations with Zelman's was mostly strained and over defended.

The atmosphere in these meetings was like being an unwelcome guest at a kind of laddish club. There was an undercurrent of prejudice against those in 'social housing', an impression I saw picked up on and heard given voice by junior members of staff when characterizing residents of [REDACTED] (*Soho Housing is a Housing Association.*)

The effect was to suppress complaints and turn each encounter a contest of attrition. The flat denials could sometimes seem absurd.

Westminster 'Licensing Sub-Committee expressed disappointment at the previous hearing on (14 Jan 2016), in the way the Applicant Company had engaged with local residents and impressed upon it the need to act as a responsible operator.' The management had returned Zelman's to that era which is why if this issue is to be resolved, the solution should be automatic and mechanical and not rely on personnel.

A more recent change of Zelman's Operations Manager and General Manager has provided an opportunity to reset relationships and take action to solve the nuisance of the extractor unit.

Alternative kitchen ventilation at Zelman Meats

On the 28th of November 2019 I meet with new General Manager, [REDACTED] and incoming Goodman Restaurants' Operations Director, [REDACTED].

After a discussion concerning the history of the issues, I asked that we find a creative solution to the problems of kitchen's extractor unit.

Taking the suggestions made by the building's landlord, the original acoustic engineers and others, I asked that they use the second extractor fan located at the rear of the building, as an auxiliary extractor instead of using the 'booster button' on their kitchen extractor unit.

Second Extractor Unit

As I understand it, this extractor's ducts are a part of the restaurants regular air-conditioning. Its outlet is situated in their alcove in Richmond Buildings.

When the kitchen needs extra ventilation, I have asked them to look into using this second air conditioning fan which already serves the restaurant.

It is a heavy-duty industrial piece of equipment by Mitsubishi.

Picture right 2nd Extractor at rear of venue in Richmond Buildings. (pic right)



The unit itself, according to former Manager [REDACTED] in July 2017, is underused and works after hours to clear the main restaurant of stale air. It may just need to have an inlet piped to it from the boxed-in kitchen or some other adjunct to the air-conditioning ducts.

I asked [REDACTED] and [REDACTED] to explore whether this other fan system may provide a solution to replace their use of and reliance on, the kitchen extractor's 'booster button'.

[REDACTED], offered to commit to a review by their new maintenance company to investigate this as a possible solution. A number of possible barriers were raised including possible objections from the neighbouring Soho Hotel which is some distance further up Richmond Buildings.

However, on investigation the extractor fan has been working without hindrance in that location for several years.

I said that I had to reserve the right to go back to Westminster Council and ask for the involvement of others if a creative solution cannot be found.

It seemed that Zelman's may not be able to take action unless required to do so by Westminster Council.

Until a mechanical solution is found, I would ask that there are far stricter rules to the use of the kitchen's 'booster button' because living with this level of noise and uncertainty is not acceptable.

I asked if he could have sight of the resulting report. [REDACTED] agreed and said he would look to General Manager, [REDACTED] to organize.

Due to previous disappointments that I should not trust this situation will be resolved without help from the local authority. I would hope that Zelman's prove a responsible licence holder would be able to resolve these noise problems.

Day-drinking until 8pm at an independent Zelman's Bar

Zelman Meats were originally granted their Licence from Westminster City Council by promising that they understood that the area of St. Anne's Court was *unsuitable for either a Take Away or a Bar.* * (Sub Committee (1) hearing Thurs 31st of July 2014, full quote footnote 1)

This assurance was repeated in Nov 2019 by current Operations Director, [REDACTED], at the most recent meeting, [REDACTED] said: "We are a principally a specialty steak restaurant and we serve cocktails from the bar... We operate during core hours. People can sit there at the Bar while they wait for tables - when seated with a substantial meal they are served by a waiting staff. We're not interested in becoming a Bar... that it was not a part of their new branding." (Meeting Minutes email, 28th Nov 2019)

The sensitivity is in part because of the very difficult situation when the Vodka Revolution ran a bar at the same venue. It had been mayhem - with drug dealers and drunks stalking the alley until 3 or 4am in an atmosphere of threat. Neighbours at [REDACTED] remember it had taken a number of police raids from three sides of the alley at once to deal with the worst. It was so bad that the Revolution Bar closed.

This kind of atmosphere continues and anti-social behaviour is still a feature especially after dark and was made worse during the recent lockdown.

Anti-social behaviour late night and begging during the day

The nature of alley, which is a long narrow zig-zag full of niches, corners and alcoves with a second hidden alley making 3 entrances and exits lends itself to all kinds of anti-social behaviour.

At night the alley becomes a gathering point for very aggressive drug users and dealers. Zelman's still has the appearance of a darkly lit cocktail lounge bar or club.

Zelman's doorways provide cover for drugs users and dealers who use crack on their doorsteps and sleep there at night. The several plant-risers along the front of the venue provide hiding places for drug works.



Zelman's doorways occupied similarly both during lockdown and after dark most nights

Present context

Zelman Meats' current application to run a day-time bar that sells alcohol to those at the bar and without a substantial meal and as a take away, comes at the time of a national health emergency due to CoVid19 when the demands of Social Distancing are thought to be a challenge to local restaurants and bars.

Zelman's do not appear to have applied for temporary event licences nor do they appear to have applied to be part of Westminster's scheme for outside spaces. At the time of writing Zelman's have not re-opened after lockdown.

In any case new government legislation, the Business and Planning Act 2020 will give Zelman's much of what they have applied for including the right to sell alcohol off the premises until September 2021. The Eat Out to Help Out scheme may also be of help.

However, Zelman's seem to be taking this opportunity to make a permanent change in the nature of their business.

Restaurants on Dean Street busy at the end of lockdown



Japes Dean St

Barrafina

Dean Street Town House

The area around St. Anne's Court is already saturated with bars and licenced restaurants, Japes, Barrafina, The Town House on Dean Street and Breakfast Club and Soho Joe's on D'Arblay St., all the restaurants on Brewers Street, The Ivy on Broadwick St, all seem to be at near capacity for lunch and evening meals in the days and weeks after lockdown, both seated indoors and outside.

Neither of the two licenced bars nearby, *The Crown and Two Chairmen* and *Nellie Dean's* on Dean Street invite customers to stand at their bar at any time in the current circumstances, - they are asked wait to be seated. Other bars in the area ask that patrons also order food.

Zelman's recent cosmetic change to the appearance of the outside of their premises (adding an abstract logo of twin steak-knives either side of their doors) does not make it look so much less like a darkly-lit bar especially, if it is in fact operating as one.

In granting the original licence the committee were assured at the hearing on 14 Jan 2016 that the premises would operate as a restaurant. Requests by the venue for late night alcohol and music licence requests were dropped as were requests for a take away and a separate bar. As a result of these assurances, some conditions were not attached as positive assumptions were made by The Environmental Health and The Metropolitan Police.

Nor are Zelman's clientele always mature and focused only on food, they can also be loud and rowdy themselves as the recent review from *TripAdvisor* suggests:

Wonderful food marred by rowdy yobs

The food and service was perfect especially the starters... However, conversation was impossible because of a gang of noisy drunken young men behaving like football hooligans. Some began to stand on the tables, one doing an impersonation of undoing his trousers. I asked one of the staff to request less noise but it fell on deaf ears.

They ruined the evening for everybody. - by aristotle45 tripadvisor.co.uk Reviewed 12 July 2019

Zelman's Bar Area

In a previous application for a variation to their licence Zelman's also sought permission for a 'room divider/partition to be placed between their 'Bar Area' and the seated dining-booths of the main restaurant (15/08707/LIPV).

During the hearing, a representative of Zelman's demonstrated the height of the partition they were seeking by lifting his finger up toward his nose, to show that the 'room divider' was no taller than about 4' ft high. In fact, the 'room divider/partition' sought in Zelman's Variation to their Licence, was more like a floor to ceiling wall, capable of supporting the weight of a full-size blackboard menu, visible from the far end of the restaurant with paintings on the other side in the bar area. (See photographs below)

The Sub-Committee at the time also expressed disappointment that the works had already taken place before the application for variation had been submitted and requested that the Applicant Company make more effort to abide by the licensing regulations, licensing objectives and the conditions on its premises licence.

I am concerned about Zelman's taking actions without regard to others, building a wall to section off a separate Bar Area, preparing a Take Away area and promoting a Take Away service in advance of a licence, removing acoustic tiles from their ceiling, decking their kitchen in aluminium, tile and glass despite the noise complaints, repositioning an Extractor hood on a roof without an impact assessment or guard against unforeseen consequences, and most of all from my point of view, keeping to agreements made to manage the noise and vibration coming from their kitchen's extractor unit.

On advice my objections are on a number of grounds of public nuisance, noise, attracting and not managing anti-social behaviour, competence and operating an independent bar contrary to the Council's Statement of Licensing Policy, particularly CIP1(i) and PN1 and para 2.5.3: '*The council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening. Submission has been made that not every individual in a group may wish to eat, but should not be prevented from accompanying diners and having a drink. The council, however, is not minded to relax conditions for restaurants where alcohol may only be consumed by persons as an ancillary to their substantial table meal.*'

Zelman's Bar Area behind a floor to ceiling wall



Front of wall 'partition'

Inside 'partition' Bar Area

Zelman's Bar

It's important to be able to trust that the licence holder is responsible and competent so that what is said matches the facts on the ground. It is difficult to resist the impression that Zelman's are attempting to become a fully-fledged Bar and a Take Away by applying for measured increments over time.

Noise from revellers and the coming of Crossrail

From regular meetings of the ██████████ I know that residents with windows and balconies directly above the premises are also disturbed by loud voices in the evenings as diners take a cigarette break and occasionally take drinks out with them, especially if Zelman's windows are open.

The alley is a very narrow and sound reverberates upwards more than a normal street. In addition, there are a set of steps alongside Zelman's main door belonging to GHD at 82 Dean Street that are favoured by local revellers, where they sit and drink take away alcohol bought from Tesco's nearby and smoke hash, ready to go to clubs in the area or as a night out in itself.

The fears are that all this would begin earlier in the day with a daily bar and take away food as well as off-sales of alcohol.

Activity attracts passers-by down into the alley and the opening of the Crossrail station at the top of Dean Street in 2021 will bring many thousands of extra visitors to Soho in just a few months.

TAKE AWAY

Zelman Meats were originally granted their Licence from Westminster City Council they also promised that they understood that the area of St. Anne's Court '*was unsuitable for either a Take Away or a Bar.*' (*Sub Committee (1) hearing Thurs 31st of July 2014, full quote in Footnotes*)

Zelman's are asking to add to the stress on their kitchen without resolving their noise and vibration issue or their staff's over-use of the 'booster button' which switches returns the kitchen's extractor unit from the safer 70% to 100% capacity, which causes a nuisance.

A take away service would require more cooking time in preparation and in providing service and this would be in addition to their usual service for their busy lunchtime trade.

This would double the busy periods of the kitchen to twice a day leading to the temptation to use the 'booster button' continually from 11:00 to 2pm and from 8pm to 10:30.

The promise not to run a Takeaway

Zelman Meats' practiced running a Take Away service in advance of a hearing to secure a Licence in November 2015, contrary to their existing Licence, Annex 3 #14(iii) and (iv) to provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery and (iv) which do not provide any take away service of food or drink for immediate consumption. (see photograph). Their Application was refused.

Take Away hoardings and A Boards in advance of a licence



Zelman's advertised on Twitter Nov 12 & 13th 2015 for a 'practice' giveaway to promote their Take Away.

Photographs show the queue lined up outside the front door of Zelman's blocking the alley which Zelman's later said they regretted. Staff handed out reusable numbered tags to those in line, the Ad Boards stayed on the alley from at least the 11th to 27th of November. The hoardings were displayed on Zelman's front windows from the 3rd Nov. Zelman Meats'

Twitter also records Takeaway orders being discussed including a separate complaint about a take away Brisket Sandwich, dated Fri, Dec 18th, from at least the 10th to the 22nd of December 2015.

Zelman's Takeaway initially stress-tested their system at 50 burgers and 50 brisket sandwiches which they made available from 12pm. Zelman's acknowledged on 21 Jan 2016 that 'Westminster council shut us down for takeaway.'

Currently, there are five take away restaurants on the short, narrow and alley of St. Anne's Court: *Make Mine*'s sandwich bar on the corner with Dean Street which has bench seating, *Hobson's* Fish & Chip restaurant which has been putting out 4 sets of tables and chairs, *Papaya Thai Take Away*, the *Kova Patisserie* and *Gale's Bakery* with *Côte Brasserie* a non-take away on the southern corner with Wardour Street making six.

Make Mine and Hobson's newly reopened, are attracting all the various food delivery services including Deliveroo and Uber Eats, whose riders stand in the alley with their bicycles, waiting to collect their orders. There is also a proposal, currently, to site 5 cycle stands in the alley which will crowd the very limited space even more.

A number of the residents at [REDACTED] are seniors, some have a physical disability and others live with ongoing health conditions and were sheltering-in-place during the recent pandemic outbreak. The alley, past Zelman's toward Dean Street is their route to the local supermarket, a Tesco's at the top of Dean Street and the NatWest Bank. The increased disturbance in noise, music and increased activity of take-away's, revellers sitting on the steps beside Zelman's and delivery bikers make for a constant obstruction and with the increased footfall coming of Crossrail, things are expected to get worse.

Noise to rear of Venue in Richmond Buildings

The rear of the premises in Richmond Buildings are where complaints about Zelman's late-night noise dumping of rubbish bags filled with bottles and waste have occasionally resulted in hostile standoffs.

It's the dropping of heavy bags into the empty wheelie bins in its alcove, one after another that makes huge, booming noises that sound like an explosion or car crash. The alley amplifies this noise and it reverberates [REDACTED]. The flats directly above these alcoves are home to very young children and the sudden noise from between 22:00 to 23:00, can be extremely alarming.

Despite explanations of the need to be mindful to several Zelman's staff as well as signs posted on the alcove gates – this practice has continued as staff members forget or are replaced with staff who are unaware. Hopefully things will improve under the new management.

Footnotes:

Here is a quote from the minutes of the Sub Committee (1) hearing on Thursday 31st of July 2014, which was originally under the name of 'Smack Deli' before the title was changed to Rex and Mariano/Zelman's Meats: - *"The Sub-Committee fully appreciated the problems that residents had experienced as a result of the premises known as Revolution being located at St Anne's Court. Revolution had however been a bar. As Mr Thomas and Mr Neil stated at the hearing, the Applicant had originally planned to have a lobster roll restaurant/takeaway concept at the premises (the boat bringing in the lobsters was called Smack hence the initial name of Smack Deli) but had taken into account that the concept of a takeaway with a bar was not suitable for the location.*

The premises would now be a higher end restaurant operating to core hours. Mr Neil added that the concept for the premises (which was yet to be named) was seafood based with each dish being approximately £25 to £30. Alcohol would be ancillary and be in keeping with the food provided. The clientele would not be the same as the patrons of Revolution. The Applicant had ten sites, with four in Westminster including the Goodman and the Burger and Lobster restaurants. They were well managed and the Mayfair restaurants were in residential areas. Mr Thomas advised that core hours for the operation of the premises were business critical and part of the agreed lease".

The operation of a Take Away recalled Annex 3 #14(iii) and (iv) to provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the

table using non disposable crockery and (iv) which do not provide any take away service of food or drink for immediate consumption.

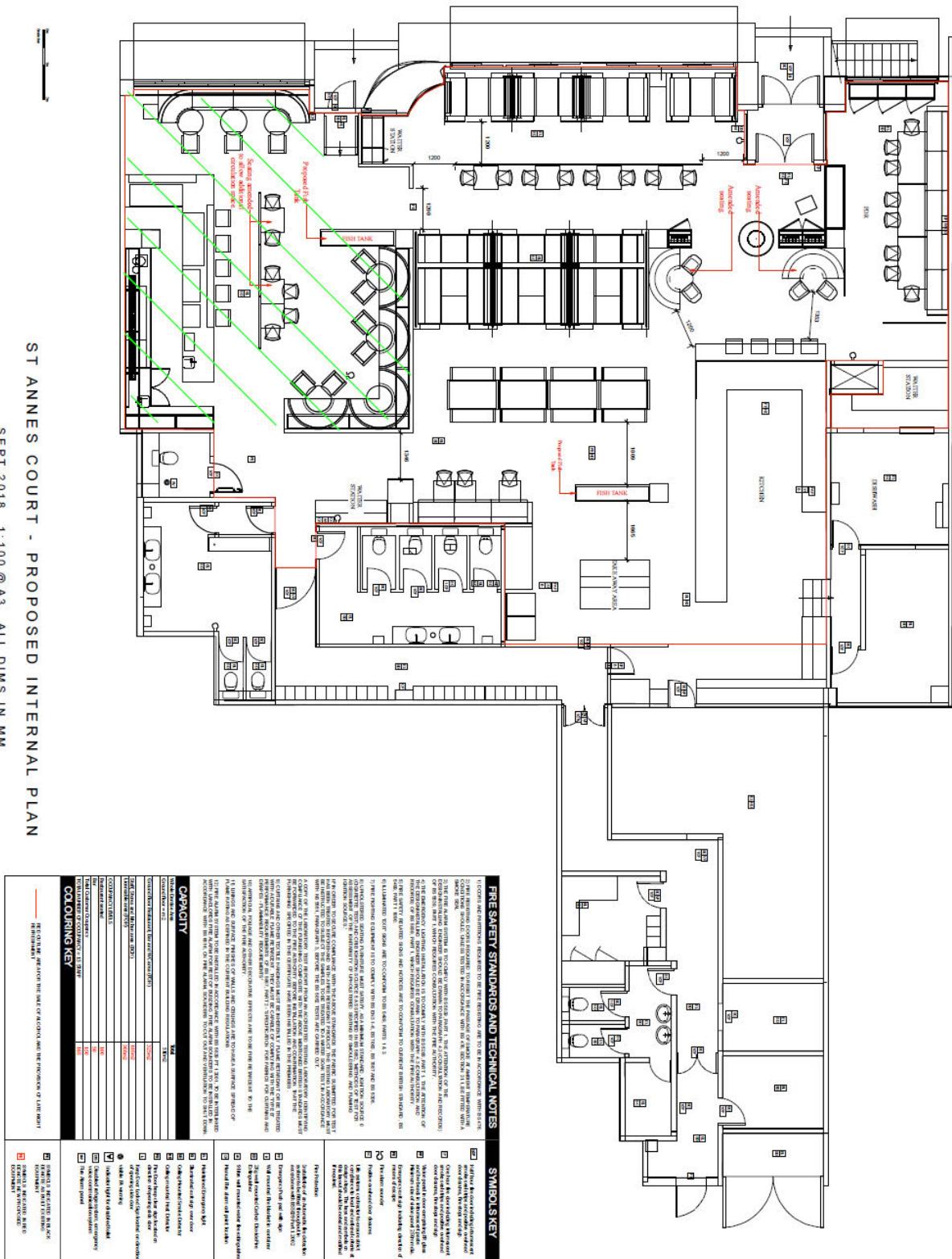
The venue itself now resembles and seems to operate as a Retro Cocktail and Lounge Bar. This recalled Annex 3 #14(vi) *where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

Premises Plans

Appendix 2

ST ANNES COURT - PROPOSED INTERNAL PLAN

SEPT 2018 1:100 @ A3 ALL DIMS IN MM



Applicant Supporting Documents**Appendix 3**

There are no supporting documents from the applicant.



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

Schedule 12
Part A

WARD: West End
UPRN: 100023471882

Premises licence

Regulation 33, 34

**Premises licence
number:**

19/11368/LIPVM

Original Reference:

14/04699/LIPN

Part 1 – Premises details

Postal address of premises:

Zelman Meats
2 St Anne's Court
London
W1F 0AZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

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:

St Anne's Court Restaurant Ltd
C/o Teacher Stern LLP
37-41 Bedford Row
London
WC1R 4JH

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

08662209

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

Name: Alex Luis D'aguiar

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: 06/004759/3
Licensing Authority: Royal Borough of Kensington & Chelsea

Date: 30th September 2019

Signed:

pp



This licence has been authorised by Karyn Abbott 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

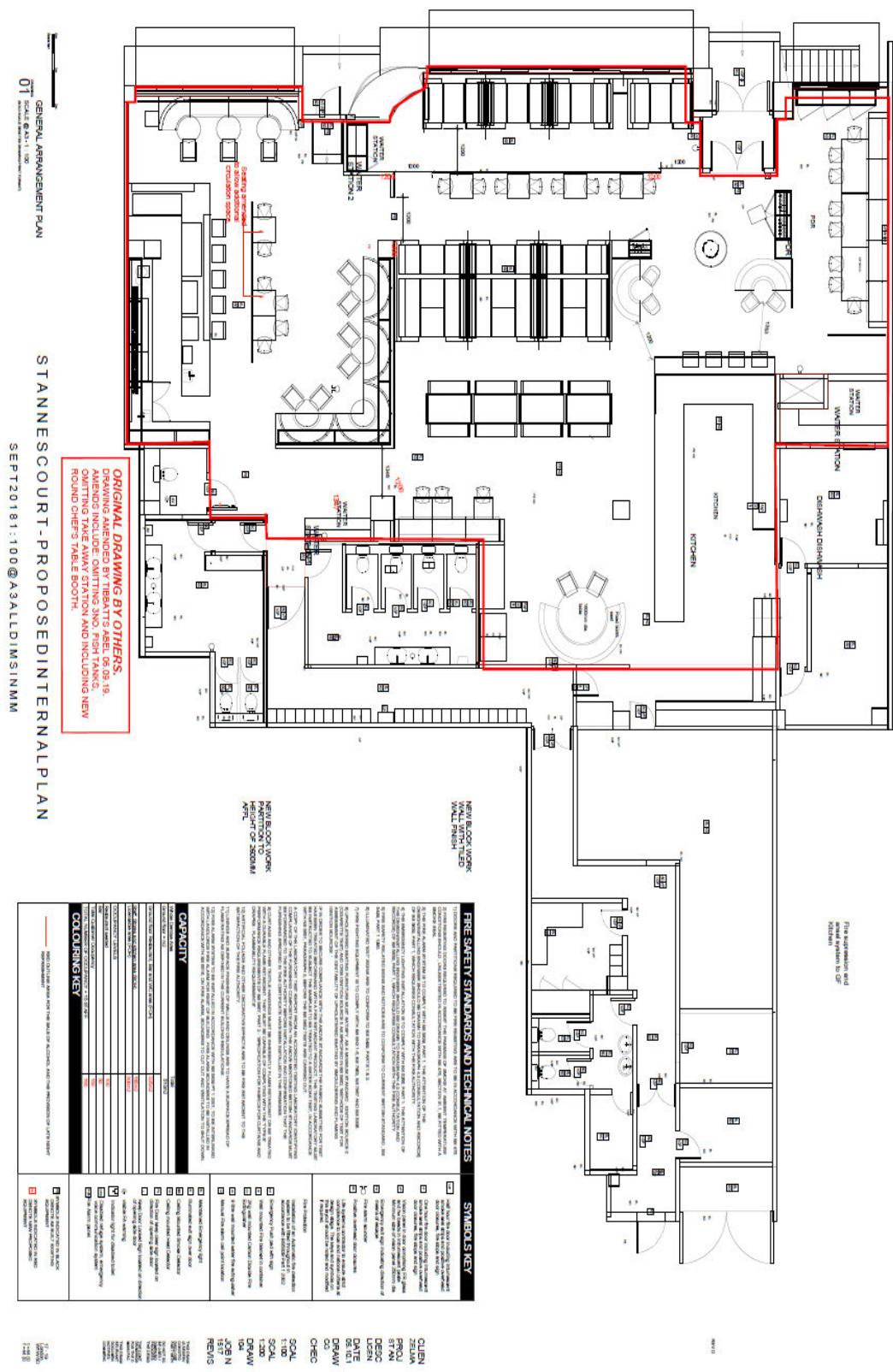
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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.
10. 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.
11. 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 concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.
12. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
13. No deliveries to the premises shall take place between 23:00 and 08:00 the following day.
14. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink, and
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

15. There shall be no sales of alcohol for consumption off the premises.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.

18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
19. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.
21. 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.
22. The number of persons accommodated at the premises (excluding staff) shall not exceed 200.
23. Entry and egress shall only be via the main double door at the east end of the frontage of the premises, except in the case of emergencies.
24. The extract plant shall be switched off at 23:00 hours.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. The licence holder shall ensure that any queue to enter the premises which forms public nuisance or obstruction to the public highway.
28. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

Annex 4 – Plans





Schedule 12
Part B

WARD: West End
UPRN: 100023471882

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

Premises licence
summary

Regulation 33, 34

Premises licence
number:

19/11368/LIPVM

Part 1 – Premises details

Postal address of premises:

Zelman Meats
2 St Anne's Court
London
W1F 0AZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

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:

St Anne's Court Restaurant Ltd
C/o Teacher Stern LLP
37-41 Bedford Row
London
WC1R 4JH

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

08662209

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

Name: Alex Luis D'aguiar

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

Restricted

Date: 30th September 2019

Signed:

pp



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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06224/LIPC	Conversion Licence	03.09.2005	Granted Under Delegated Authority
06/02997/LIPDPS	Application to Vary the Designated Premises Supervisor	21.04.2006	Granted Under Delegated Authority
06/08557/LIPDPS	Application to Vary the Designated Premises Supervisor	13.09.2006	Granted Under Delegated Authority
06/12919/LIPDPS	Application to Vary the Designated Premises Supervisor	28.02.2007	Granted Under Delegated Authority
07/04994/LIPV	Variation Application	26.07.2007	Refused by Licensing Sub-Committee
07/09079/LIPDPS	Application to Vary the Designated Premises Supervisor	01.11.2007	Granted Under Delegated Authority
06/09805/WCCMAP	Master Licence	11.10.2007	Granted Under Delegated Authority
08/02253/LIPDPS	Application to Vary the Designated Premises Supervisor	10.04.2008	Granted Under Delegated Authority
09/06657/LIPDPS	Application to Vary the Designated Premises Supervisor	10.11.2009	Granted Under Delegated Authority
09/07743/LIPDPS	Application to Vary the Designated Premises Supervisor	11.11.2009	Granted Under Delegated Authority
10/00516/LIPDPS	Application to Vary the Designated Premises Supervisor	22.03.2010	Granted Under Delegated Authority
10/03858/LIPDPS	Application to Vary the Designated Premises Supervisor	22.06.2010	Granted Under Delegated Authority

10/07507/LIPDPS	Application to Vary the Designated Premises Supervisor	09.11.2010	Granted Under Delegated Authority
10/08333/LIPDPS	Application to Vary the Designated Premises Supervisor	09.11.2010	Granted Under Delegated Authority
11/02306/LIPVM	Minor Variation application	06.04.2011	Granted Under Delegated Authority
11/04917/LIPDPS	Application to Vary the Designated Premises Supervisor	21.06.2011	Granted Under Delegated Authority
11/05993/LIPDPS	Application to Vary the Designated Premises Supervisor	04.07.2011	Granted Under Delegated Authority
11/07816/LIPV	Variation application	29.09.2011	Refused by Licensing Sub-Committee
12/00527/LIPDPS	Application to Vary the Designated Premises Supervisor	01.04.2012	Granted Under Delegated Authority
12/01031/LIPDPS	Application to Vary the Designated Premises Supervisor	01.04.2012	Granted Under Delegated Authority
12/03890/LIPVM	Minor Variation application	06.06.2012	Granted Under Delegated Authority
12/09250/LIPDPS	Application to Vary the Designated Premises Supervisor	03.12.2012	Granted Under Delegated Authority
13/01540/LIPV	Variation application	13.06.2013	Refused by Licensing Sub-Committee
13/07749/LIPDPS	Application to Vary the Designated Premises Supervisor	05.11.2013	Granted Under Delegated Authority
13/08763/LIPDPS	Application to Vary the Designated Premises Supervisor	25.11.2013	Granted Under Delegated Authority
13/10146/LIPDPS	Application to Vary the Designated Premises Supervisor	18.01.2014	Granted Under Delegated Authority
14/04699/LIPN	New premises licence Application	31.07.2014	Granted by Licensing Sub-Committee

15/02919/LIPCH	Change of Details	27.10.2015	Granted Under Delegated Authority
15/05020/LIPDPS	Application to Vary the Designated Premises Supervisor	07.07.2015	Granted Under Delegated Authority
15/08707/LIPV	Variation application	14.01.2016	Granted by Licensing Sub-Committee
15/10779/LIPDPS	Application to Vary the Designated Premises Supervisor	03.05.2016	Granted Under Delegated Authority
16/00301/LIPVM	Minor Variation application	27.01.2016	Granted Under Delegated Authority
17/03785/LIPDPS	Application to Vary the Designated Premises Supervisor	01.11.2017	Granted Under Delegated Authority
18/10655/LIPVM	Minor Variation application	08.10.2018	Granted Under Delegated Authority
18/11137/LIPDPS	Application to Vary the Designated Premises Supervisor	27.12.2018	Granted Under Delegated Authority
19/10803/LIPDPS	Application to Vary the Designated Premises Supervisor	25.09.2019	Granted Under Delegated Authority
19/11368/LIPVM	Minor Variation application	30.09.2019	Granted Under Delegated Authority

Application	Details of Application	Date Determined	Decision
15/11740/LITENP	Temporary Event Notice	29.12.2015	Event allowed to proceed
15/11755/LITENP	Temporary Event Notice	29.12.2015	Event allowed to proceed
15/11759/LITENP	Temporary Event Notice	06.01.2016	Event allowed to proceed

15/11768/LITENP	Temporary Event Notice	06.01.2016	Event allowed to proceed
15/11785/LITENP	Temporary Event Notice	29.12.2015	Event allowed to proceed
15/11788/LITENP	Temporary Event Notice	05.01.2016	Event allowed to proceed
17/05779/LITENP	Temporary Event Notice	15.06.2017	Event allowed to proceed

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: $\frac{1}{2}$ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. 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.
10. 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.
11. 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 concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.
12. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
13. No deliveries to the premises shall take place between 23:00 and 08:00 the following day.
14. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink, and

Condition 14 (iv) is proposed to be removed from the operating schedule by the applicant.

(v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Condition 14 is proposed to be amended to add the following additional wording by the applicant:

Notwithstanding condition 14.(v) above, alcohol may be supplied in the bar area (hatched green) to a maximum of 12 non-diners until 20:00.

15. There shall be no sales of alcohol for consumption off the premises.

Condition 15 is proposed to be removed from the operating schedule by the applicant.

16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day.
19. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.
21. 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.
22. The number of persons accommodated at the premises (excluding staff) shall not exceed 200.
23. Entry and egress shall only be via the main double door at the east end of the frontage of the premises, except in the case of emergencies.
24. The extract plant shall be switched off at 23:00 hours.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. The licence holder shall ensure that any queue to enter the premises which forms public nuisance or obstruction to the public highway.
28. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

Conditions proposed by the applicant so as to form part of the operating schedule

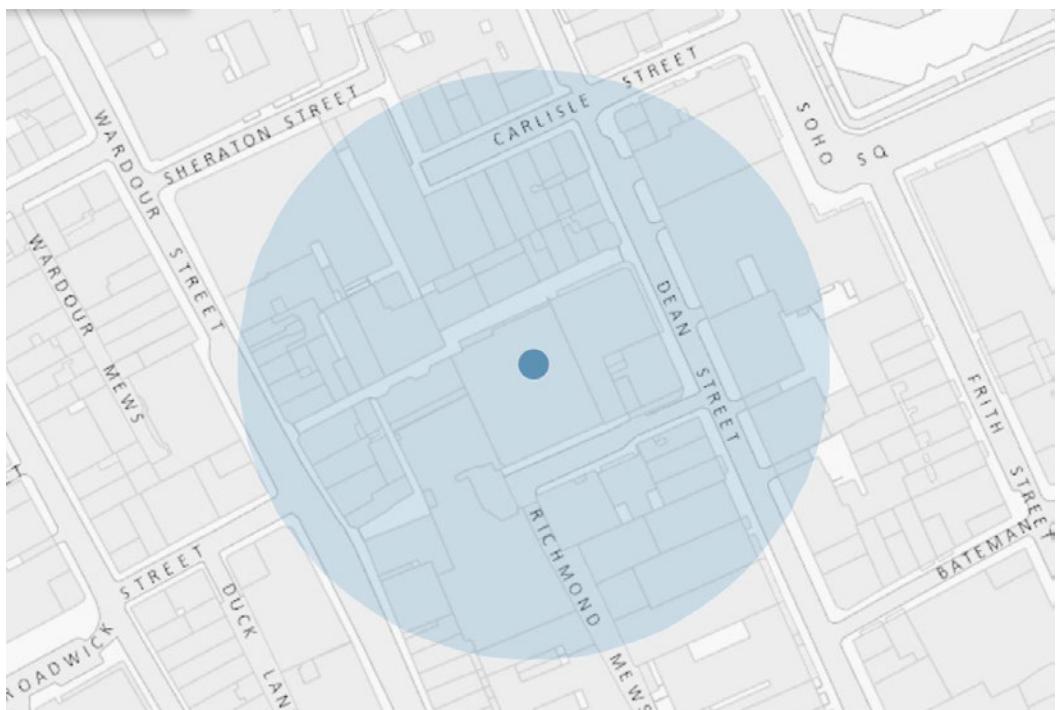
29. Off sales of alcohol shall be in sealed containers only and ancillary to a take-away meal.
30. Take-away meals for delivery/collection shall not be for immediate consumption

Conditions proposed by the Licensing Authority

31. There shall be no sales of alcohol for consumption off the premises after 23:00.
32. Delivery drivers will be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway. The licence holder will positively encourage delivery drivers to use quieter vehicles that are less likely to cause a nuisance such as bicycles.

Residential Map and List of Premises in the Vicinity

Appendix 6



Resident Count: 125

Licensed premises within 75 Metres of Zelman Meats, 2 St Anne's Court, London, W1F 0AZ

Licence Number	Trading Name	Address	Premises Type	Time Period
19/11368/LIPVM	Zelman Meats	2 St Anne's Court London W1F 0AZ	Restaurant	Monday; 10:00 - 23:30 Monday to Thursday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30
18/14691/LIPDPS	Heart Magazine UK, The Good Housekeeping Institute	21-25 St Anne's Court London W1F 0BJ	Miscellaneous	Monday to Sunday; 00:00 - 00:00
20/01077/LIPDPS	Bowls	27 - 28 St Anne's Court London W1F 0BN	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/06978/LIPDPS	Wagamama	81 Dean Street London W1D 3SW	Restaurant	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:30
13/03483/LIPN	Piccolo Fomo Pizzeria	9-12 St Anne's Court London W1F 0BB	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 10:00 - 22:30
19/05854/LIPT	D.H Stores Ltd	Ground Floor 88 Dean Street London W1D 3ST	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
17/03770/LIPDPS	Soho Hotel	Soho Hotel 4	Hotel, 4+ star or	Monday to

		Richmond Mews London W1D 3DH	major chain	Sunday; 00:00 - 00:00
18/10316/LIPDPS	The Ship Public House	116 Wardour Street London W1F 0TT	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:50 Sundays before Bank Holidays; 12:00 - 00:00
17/12152/LIPDPS	Aulis	Ground Floor 16 St Anne's Court London W1F 0BF	Cafe	Monday to Saturday; 08:00 - 23:30 Sunday; 10:00 - 22:00
20/03227/LIPT	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
19/04298/LIPV	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Hotel, 3 star or under	Monday; 10:00 - 01:00 Tuesday; 10:00 - 01:00 Wednesday; 10:00 - 01:00 Thursday; 10:00 - 01:00 Friday; 10:00 - 01:00 Saturday; 10:00 - 01:00 Sunday; 10:00 - 01:00
20/03226/LIPT	Nellie Dean Public House	89 Dean Street London W1D 3SU	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
19/15880/LIPDPS	Cote	Basement And Ground Floor 122-126 Wardour Street London W1F 0TY	Restaurant	Monday to Thursday; 09:00 - 03:00 Friday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00
18/10112/LIPT	The Red Fort	Basement And Ground	Restaurant	Monday to Saturday;

		Floor 77 Dean Street London W1D 3SH		10:00 - 00:30 Sunday; 12:00 - 00:00
19/10103/LIPN	Inkd	118-120 Wardour Street London W1F 0TU	Miscellaneous	Monday to Saturday; 09:00 - 22:00 Sunday; 10:00 - 21:00
19/07112/LIPV	Soho Theatre	Basement And Ground Floor 21 Dean Street London W1D 3NE	Theatre	Monday to Saturday; 10:00 - 02:30 Sunday; 10:00 - 01:00
19/07312/LIPDPS	Soho Theatre Company	First Floor To Second Floor 21 Dean Street London W1D 3NE	Theatre	Monday to Saturday; 09:00 - 00:00 Sunday; 12:00 - 23:30 Bank Holiday; 14:00 - 23:30
14/06333/LIPN	Enrique Tomas	132 Wardour Street London W1F 8ZW	Restaurant	Monday to Saturday; 10:00 - 22:30 Sunday; 12:00 - 22:30
19/06686/LIPDPS	Soho Dean Street	76 Dean Street London W1D 3SQ	Not Recorded	Monday to Sunday; 07:00 - 01:00
20/03156/LIPCH	Soho Dean Street	76 Dean Street London W1D 3SQ	Not Recorded	Monday to Sunday; 07:00 - 01:00
18/08862/LIPVM	Japes	Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY	Restaurant	Monday to Saturday; 07:00 - 01:00 Sunday; 09:00 - 00:00
20/00933/LIPDPS	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
20/03497/LIPN	Busaba (Shadow Licence)	108-110 Wardour Street London W1F 0JL	Restaurant	Friday to Saturday; 10:00 - 01:00 Sunday to Thursday; 10:00 - 00:30
08/03322/LIPV	Inamo	136 Wardour Street London W1F	Restaurant	Monday to Thursday; 10:00 - 23:30

		8ZS		Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
20/00779/LIPCH	Pizza Pilgrims	11 Dean Street London W1D 3RP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/03688/LIPCHT	Club 16	16 Carlisle Street London W1D 3BT	Office	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30