



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 3 February 2022**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Jim Glen (Chairman)
Melvyn Caplan
Rita Begum

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

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.00am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

Email: scraddock@westminster.gov.uk Tel: 0779098018
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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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. SOHO ORIGINAL ADULT STORE, 12 BREWER STREET, W1F OSF

(Pages 1 - 24)

Ward CIA SCZ	Site Name & Address	Application Type	Licensing Reference No.
West End Central	Soho Original Adult Store, 12 Brewer Street W1F OSF	Sex Establishment Licence	22/00106/LISEXN
Cumulative Impact Area (N/A) Special Consideration Zone (N/A)			

2. CROCKERS FOLLY, 23-24 ABERDEEN PLACE, NW8 8JR

(Pages 25 - 62)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Regents Park * None ** None	Crockers Folly, 23-24 Aberdeen Place, NW8 8JR	Premises Licence Variation	21/09487/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

3. BASEMENT, 22-25 PORTMAN CLOSE, W1H 6BS**(Pages 63 - 90)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Marylebone High Street * None ** None	Basement, 22-25 Portman Close W1H 6BS	New Premises Licence	21/09220/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

4. 22 GREAT WINDMILL STREET, W1D 7LD**(Pages 91 -
120)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * West End ** None	22 Great Windmill Street W1D 7LD	New Premises Licence	21/06791/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

5. JERU, 11 BERKELEY STREET, W1J 8DS**(Pages 121 -
166)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** West End Buffer	Jeru, 11 Berkeley Street W1J 8DS	New Premises Licence	21/08226/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

Stuart Love
Chief Executive
26 January 2022

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 January 2021.

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

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

Note: The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

1. Casinos

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday:	09:00 hours to 24:00 hours
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3. Hotels

Monday to Thursday:	09:00 hours to 23:30 hours
Friday and Saturday:	09:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday:	09:00 hours to 24:00 hours
Sale of alcohol to guests for consumption in hotel/guest rooms only:	Anytime up to 24 hours

4. Off licences

Monday to Saturday:	08:00 hours to 23:00 hours
Sunday:	09:00 hours to 22:30 hours

5. Outdoor Spaces

Monday to Thursday:	09:00 hours to 23:30 hours
Friday and Saturday:	09:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday:	09:00 hours to 24:00 hours

6. Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday:	10:00 hours to 23:30 hours
Friday and Saturday:	10:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

7. Qualifying Clubs

Monday to Thursday: 09:00 hours to 24:00 hours
Friday and Saturday: 09:00 hours to 24:00 hours
Sunday: 09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

8. Restaurants

Monday to Thursday: 09:00 hours to 23:30 hours
Friday and Saturday: 09:00 hours to 24:00 hours
Sunday: 09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 09:00 hours to 23:30 hours
Friday and Saturday: 09:00 hours to 24:00 hours
Sunday: 09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

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City of Westminster

Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>3 February 2022</i>
Classification:	<i>General Release</i>
Premises:	<i>Soho Original Adult Store, 12 Brewer Street, London, W1F 0SF</i> <i>22/00106/LISEXN</i>
Wards Affected:	<i>West End, Central CAZ</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Premises Management</i>

1. Executive Summary

- 1.1 The Council has received an application for a new sex establishment licence from Mr Timothy Hemming for Soho Original Adult Store, 12 Brewer Street, London, W1F 0SF. The report sets out the application details, representations, policy and legal context along with other considerations that the Committee requires to determine this application.

2. Recommendations

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

3. Relevant History

- 3.1 Soho Original Adult Store has operated as a sex establishment since at least 2000 at 12 Brewer Street, London, W1F 0SF. The original licence expired in 2017 following the death of the licence holder.
- 3.2 A new licence was applied for and granted in 2017. In August 2019, the licence was transferred from Alan Poulton Limited to HOS Holdings.
- 3.3 Annual renewal applications have been submitted and granted under delegated authority. Unfortunately, due to an administrative oversight, the applicant failed to renew the licence in 2021 and consequently the licence lapsed.

- 3.3 The last renewal application for this licence was submitted on the 7 February 2020 and was granted by Licensing Service under delegated authority. This licence (20/01833/LISEXR) expired on the 31 January 2020. A copy of this licence is attached as **Appendix 1**.

4. Application being considered

- 4.1 On 6th January 2022 the applicant applied for a new sexual entertainment venue licence to operate as a Sex Shop. A copy of the application is attached as **Appendix 2**.
- 4.2 The applicant is seeking a licence to replace the previously lapsed licence. During consultation, it was noted that the applicant had incorrectly applied for hours in excess of those previously granted and has subsequently reduced the hours applied for in line with the previously granted licence.

The hours now applied for are: 10:00 to 00:00 Monday to Saturday, 10:00 to 23:00 Sunday

5. Objections

- 5.1 During the consultation period for the new sex establishment licence, no objections were received.

6. Premises in the Vicinity

- 6.1 This premises is located in the heart of Soho within the West End
- 6.2 There are 2 faith groups located within a 300 metre radius from this premises. The nearest place of religious worship is The City Gates Church, Soho (Ichthus).
- 6.3 There is one school, (the Soho Parish C of E Primary School) within a 300 metre radius of the premises.
- 6.4 There are 5 licensed sex shop premises within a 300 metre radius of these premises (see 7.2 below).

7. POLICY CONSIDERATIONS

- 7.1 On 15 June 1999 the Planning and Transportation Committee decided that, for the purposes of licensing sex establishments under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, one of the relevant locations should be Soho and that the appropriate maximum number of sex establishments within that locality should be limited¹⁸.
- 7.2 Within the Soho locality, as defined, there are currently 5 licensed sex establishments all of which are sex shops. These are:

Licence Holder	Trading Name	Address
██████████	Adult World	5 Walker's Court London
██████████	Prowler Soho	5 - 7 Brewer Street London W1F 0RF
██████████	Simply Pleasure.Com	29 - 31 Brewer Street London W1F 0RT
██████████	Prowler Red	50 Old Compton Street London W1D 4UB
██████████	Regulation	13A Bateman Street London

- 7.3 It should be noted that the Council's policy for the maximum number of sex establishment premises in a locality may be exceeded at the discretion of Committee Members.
- 7.4 The Council's policy states that there should be a general policy presumption against permitting further sex-related activities in the following circumstances irrespective of locality:
- (a) adjacent to, or in the vicinity of schools
 - (b) adjacent to, or in the vicinity of places of worship
 - (c) adjacent to, or in the vicinity of community facilities or public buildings

8. Legal Implications

- 8.1 The Licensing Sub-Committee may determine to:
- (a) Grant the application in full
 - (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - (c) Refuse the application.
- 8.2 Before refusing to grant an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).
- 8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).
- 8.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be appropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 8.5 If the Committee determine to grant the Sex Establishment licence, the licence will be subject to the Standard Conditions for Sex Establishment licences, unless the Committee determines that certain Standard Conditions should be expressly excluded or otherwise varied pursuant to Para 13(4) to Schedule 3.
- 8.6 Should the Committee determine to refuse the application for the new sex establishment licence under Paragraph 12(3)(a) or (b) Schedule 3, the applicant may appeal to The Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application under Paragraph 27(1) to Schedule 3.
- 8.7 Should the Committee determine to refuse the application for a grant or the renewal of a licence under either Paragraph 12(3)(c) or (d) of Schedule 3, shall not have a the

right to appeal under Paragraph 27 (3) of Schedule 3.

9. Human Rights and Equality Issues

- 9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 9.2 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.
- 9.3 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.
- 9.4 An Equalities Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for Sunset Strip will not have an adverse impact or unlawfully discriminates against any protected characteristics.

Appendices

- 1 – Copy of sex establishment licence **20/01833/LISEXR**
- 2 – Copy of the Application for a New Sex Establishment Licence
- 3 - Plans of the Premises forming part of this application
- 4 – Schedule of Standard Conditions
- 5 – Map of locality

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Kevin Jackaman on 020 7641 6500 or at kjackaman@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
Sexual Entertainment Venues Statement of Licensing Policy 2012
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012
Home Office Guidance March 2010



City of Westminster

WARD : West End

UPRN: 100023470193

SEX ESTABLISHMENT LICENCE

The CITY OF WESTMINSTER under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986

hereby licences HOS Holdings

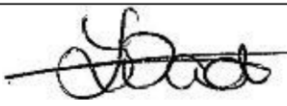
to use the premises Soho Original Adult Store
12 Brewer Street London
W1F 0SF

as a establishment.

This licence is in force up to 6 FEBRUARY 2021

and is granted subject to the Standard Conditions of the Council annexed hereto, to the following additional special conditions (if any) :

None

DATE: 27 April 2020	SIGNED: pp  Operational Director - Premises Management
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CITY OF WESTMINSTER, Licensing Service, Westminster City Hall, 64 Victoria Street, London SW1E 6QP
Telephone : 020 7641 8549 Facsimile : 020 7641 7815

Application Page 1

Application for a Sex Shop Licence

Applicant Details

Title

Surname

Forenames

Under what name is or will the business be known?

Address of premises
(or details of where a vehicle, vessel
or stall is to be operated from).

Postcode

Email address all correspondence
should be sent to

1. Is the application being made
by - ☒ An individual
☐ A Partnership or other unincorporated body
☐ A Body Corporate

If the applicant is an individual give the following information is to be supplied -

Date of Birth

Place of Birth

2. Give the full name of the
applicant (i.e. the individual,
Body Corporate or
Unincorporated Body to whom
the licence is to be issued). If the
applicant is an individual any
former names must also be
given.

3. Give the following information on behalf of the applicant -

Telephone Number (during normal
office hours)

Address to which communications
are to be sent
**Abs Holdings
Spring Lane
Forest Gate
Ringwood**
Postcode

THE PREMISES, VEHICLE VESSEL OR STALL TO BE THE SUBJECT OF A LICENCE

11. Is the application in respect of -

- ☒ A sex shop
☐ A sex cinema
☐ A sex encounter establishment

12. State whether the application is in respect of:-

- ☒ Premises
☐ Vehicle
☐ Vessel
☐ Stall

13. Where the licence is sought in respect of a vehicle, vessel or stall state where it is to be used as a sex establishment.

14. Are the whole of premises to be used under the Licence?

- ☒ Yes
☐ No

15. If the answer to the question above is "no" please state:-

Which part of the premises is to be used for the purposes of the Licence

The use to which the remainder of the premises are put

The names of those who are responsible for the management of the remainder of the premises

17. Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application? If "yes" give the name and address of the persons or body who now operate the business, and (where it is known) the date upon which the premises were first used as such.

☒ Yes

☐ No

Title

Mr

Surname

[REDACTED]

First name

[REDACTED]

Address

[REDACTED]

Postcode

[REDACTED]

THE BUSINESS

18. Has the applicant in connection with the business entered into any agreement or Deed other than the Tenancy Agreement or Lease? If 'yes' please supply full details and a copy of the Agreement.

☐ Yes
☒ No

19. If the whole of the business is not owned by the applicant state the names and addresses of those who will share in the profits of the business. In each case state the percentage share to be taken by each individual.

How many individuals do you need to tell us about?

	Individual 1	Individual 2
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
Name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Percentage Share	<input type="text"/>	<input type="text"/>

	Individual 3	Individual 4
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Percentage Share	<input type="text"/>	<input type="text"/>

	Individual 5	Individual 6
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Percentage Share	<input type="text"/>	<input type="text"/>

20.

State the total turnover of the business during the 12 months immediately prior to this application.

What proportion of the turnover derived from

The sale, hire, exchange, loan, display or demonstration of sex articles as defined in paragraph 4 of Schedule 3 of the Local Govt. (Miscellaneous Provisions) Act 1982.

The use of premises as a sex cinema

The use of the premises as a sex encounter establishment

21.

State the anticipated turnover of the business for the next 12 months.

The proportion of the turnover expected to be derived from

The sale, hire, exchange, loan, display or demonstration of sex articles as defined in paragraph 4 of Schedule 3 of the Local Govt. (Miscellaneous Provisions) Act 1982.

The use of premises as a sex cinema

The use of the premises as a sex encounter establishment

22. Give the names and addresses of any lenders, mortgagees or others providing finance with the full terms of such loans.How many individuals do you need to tell us about?

	Individual 1	Individual 2
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Loan Description	<input type="text"/>	<input type="text"/>

	Individual 3	Individual 4
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Loan Description	<input type="text"/>	<input type="text"/>

	Individual 5	Individual 6
Title	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
First name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Loan Description	<input type="text"/>	<input type="text"/>

23. Is the business required to purchase merchandise from a particular company, person or body? If 'yes' supply a copy 7 of any Agreement and state what is to be purchased and from whom.

☐ Yes

☒ No

24. If the application is for a licence for a sex shop state whether any part of the premises is to be used for the purposes of displaying films, video recordings or other moving pictures. If 'yes' state whether cubicles are to be used for viewing and if so how many.

☐ Yes

☒ No

Are cubicles used for viewing?

☐ Yes

☐ No

How Many?

25. What articles are to be offered for sale?

Adult books and Games
Adult DVDs
Adult Toys
Lingerie and Clothing.

26. If the application is a licence for a sex encounter establishment state the proposed use of the premises and give a short description of the type of proposed performance, service, entertainment or exhibition for which a licence is required.

27. What advertisements or displays are to be exhibited? Please indicated size(s) of proposed displays or advertisements.

N/A

28. Give details of the times during which it is proposed to open the premises -

Days of the week

Mon-Sat

Sun

Hours of the day

10am - 1 am

10am - 11pm

29. In respect of each individual who is to be responsible for the management of the premises in the absence of the licence holder please supply the following details.

2

	Individual 1	Individual 2
Title	Mr	Mr
Forename		
Surname		
Former Name (if any)		
Permanent Address		
Postcode		
Date of Birth		
Place of Birth		
	Individual 3	Individual 4
Title		
Forename		
Surname		
Former Name (if any)		
Permanent Address		
Postcode		
Date of Birth		
Place of Birth		

30. In respect of each of the persons whose name are given in response to Questions 2, 4, 5, and 29 give details of their occupations during the 5 years immediately prior to this application. These must include the names and addresses of all employers and the nature and dates of employment.

How many previous employment histories do you need to tell us about? 3

	Employment 1	Employment 2
Title	Mr	Mr
Forename		
Surname		
Former Name (if any)		
Permanent Address during period of relevant employment		
Postcode		
Employers Name	Ceo/ Owner	
Employers Address		
Postcode		
Description or Nature of Work	CEO/Owner	Sales Manager
Period of Employment from / to	2001 to Present	2008 to Present
	Employment 3	Employment 4
Title	Mr	
Forename		
Surname		
Former Name (if any)		
Permanent Address during period of relevant employment		
Postcode		
Employers Name		
Employers Address		
Postcode		
Description or Nature of Work	Store Manager	
Period of Employment from / to	2017 to Present	

31. In respect of the persons or bodies whose names are given in response to Questions 2, 6, 8, and 38 give details of their previous convictions and any previous convictions of any of their spouses -

How many convictions do you need to tell us about?

	Conviction 1	Conviction 2
Title	<input type="text"/>	<input type="text"/>
Forename	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
Former Name (if any)	<input type="text"/>	<input type="text"/>
Date of Conviction	<input type="text"/>	<input type="text"/>
Place of Conviction	<input type="text"/>	<input type="text"/>
Nature of Conviction	<input type="text"/>	<input type="text"/>
Sentence	<input type="text"/>	<input type="text"/>
	Conviction 3	Conviction 4
Title	<input type="text"/>	<input type="text"/>
Forename	<input type="text"/>	<input type="text"/>
Surname	<input type="text"/>	<input type="text"/>
Former Name (if any)	<input type="text"/>	<input type="text"/>
Date of Conviction	<input type="text"/>	<input type="text"/>
Place of Conviction	<input type="text"/>	<input type="text"/>
Nature of Conviction	<input type="text"/>	<input type="text"/>
Sentence	<input type="text"/>	<input type="text"/>

32. Have you any reason to believe that a prosecution may be pending against any of the persons or bodies whose names are given in response to Questions 2, 4, 5 and 29?

☐ Yes
☒ No

If 'yes' please give details

33. Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment either in the City of Westminster or elsewhere?

☒ Yes
☐ No

If 'yes' please give full details (including the address of the premises and the Council's reference)

Prowler 5-7 Brewer Street
Prowler Red 50 Old Compton Street
Simply Pleasure 29-31 Brewer Street
Soho Original Adult Store

34. Is there in force against the applicant or any of the persons whose names appear in answer to Questions 4, 5, 29 and 31, a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982.

☐ Yes
☒ No

If 'yes' please give details

35. Is there any further information which the applicant would wish the council to take into account when considering this application? This space may be used to amplify any replies to other questions.

☐ Yes
☒ No

Declaration Page

Important

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003 to make a false statement in or in connection with this application

Fee

The non-returnable fee for this application is £1438.00 and must be submitted with this application.

An additional fee of £3162.00 will be payable before any approval is issued.

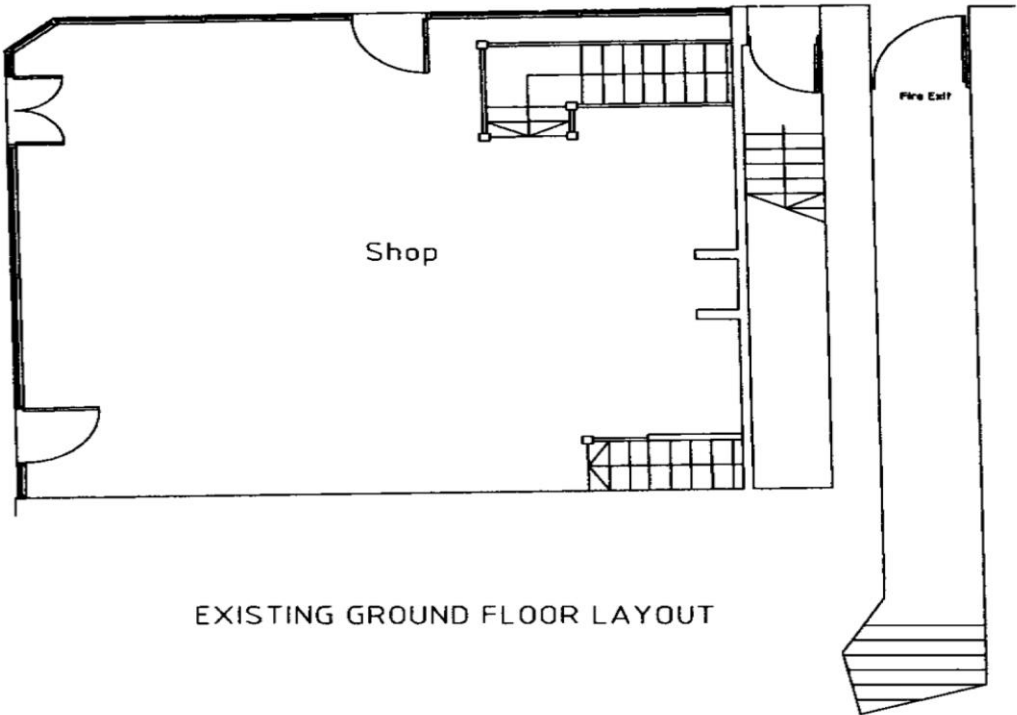
Declaration

I hereby declare that the information given on this form is correct to the best of my knowledge and belief.

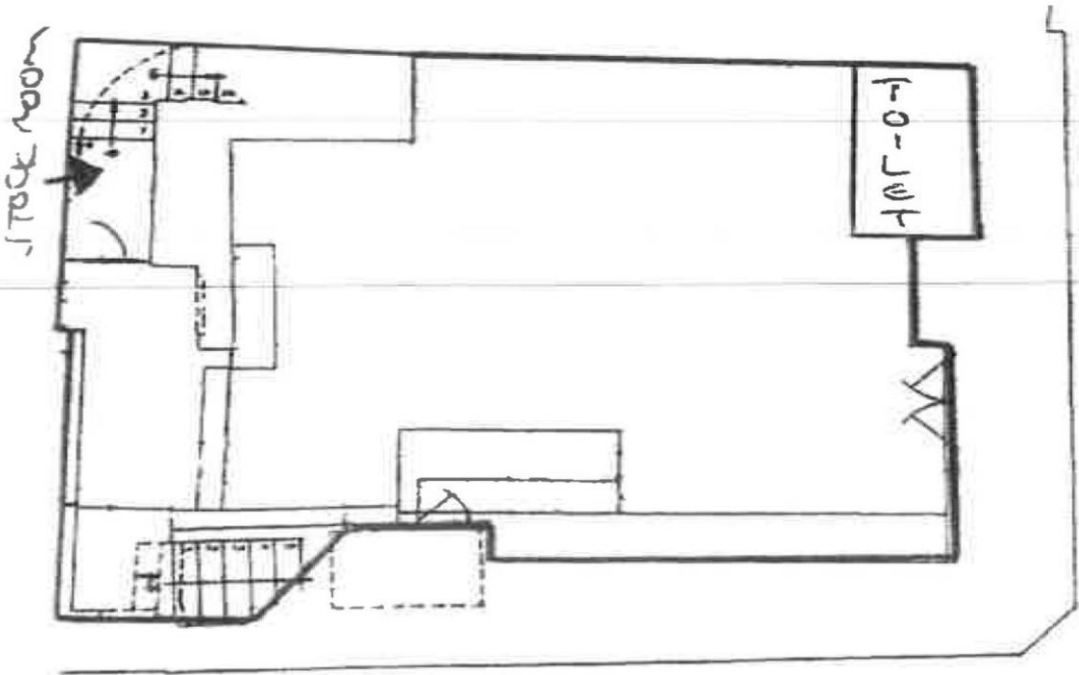
I understand we are required to send / provide the sum of £1438.00, being the fee for this application.

<input checked="" type="checkbox"/>	Confirmation	Date	06/01/2022	Name	<div></div>
		Capacity			<div></div>

12 BREWER ST
PLAN.

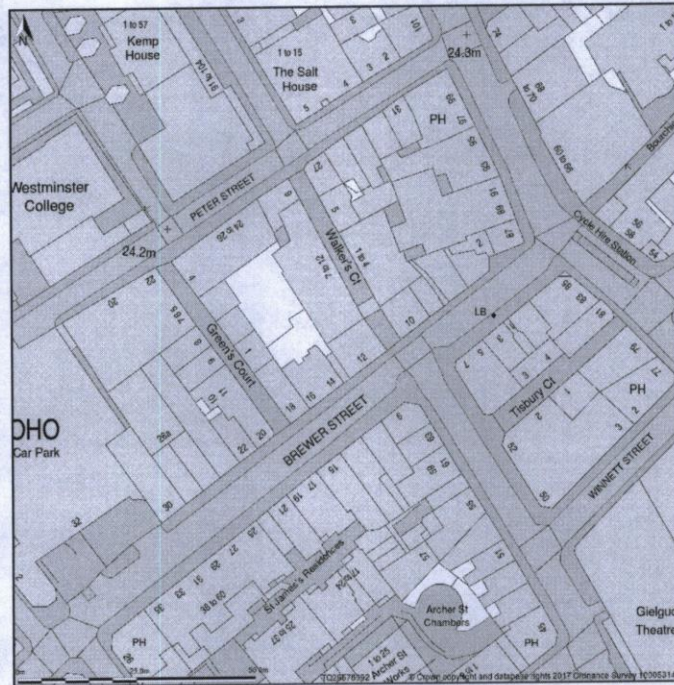


EXISTING GROUND FLOOR LAYOUT



Basement

Soho Original Books, Basement And Ground Floor, 12 Brewer Street, London, W1F 0SF



Site Plan shows area bounded by: 529508.26, 180855.32 529649.68, 180996.74 (at a scale of 1:1250), OSGridRef: TQ29578092. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

Produced on 31st Jan 2017 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2017. Supplied by www.buyaplan.co.uk a licensed Ordnance Survey partner (100053143). Unique plan reference: #00189489-4C5BF9

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SCHEDULE OF CONDITIONS

Standard Conditions relating to all Sex Establishment premises (excluding Sexual Entertainment Venues)

Standard Condition 3:

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

Standard Condition 4:

The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.

Standard Condition 5:

- (a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.
- (b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.
- (c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.

Standard Condition 6:

- (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.
- (b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- (c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

- (d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

Standard Condition 7:

- (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
 - (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or other indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempt or threat of such acts.
 - (b) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
 - (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

Note: Soliciting includes the distribution of leaflets unless authorised by a consent under section 4 of the London Local Authorities Act 1994

- (d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
- (e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

Standard Condition 8:

- (a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.
- (b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

Standard Condition 9:

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of

doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter establishment).

Standard Condition 10:

No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where works necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

Standard Conditions relating specifically to sex shops:

Standard Condition 29:

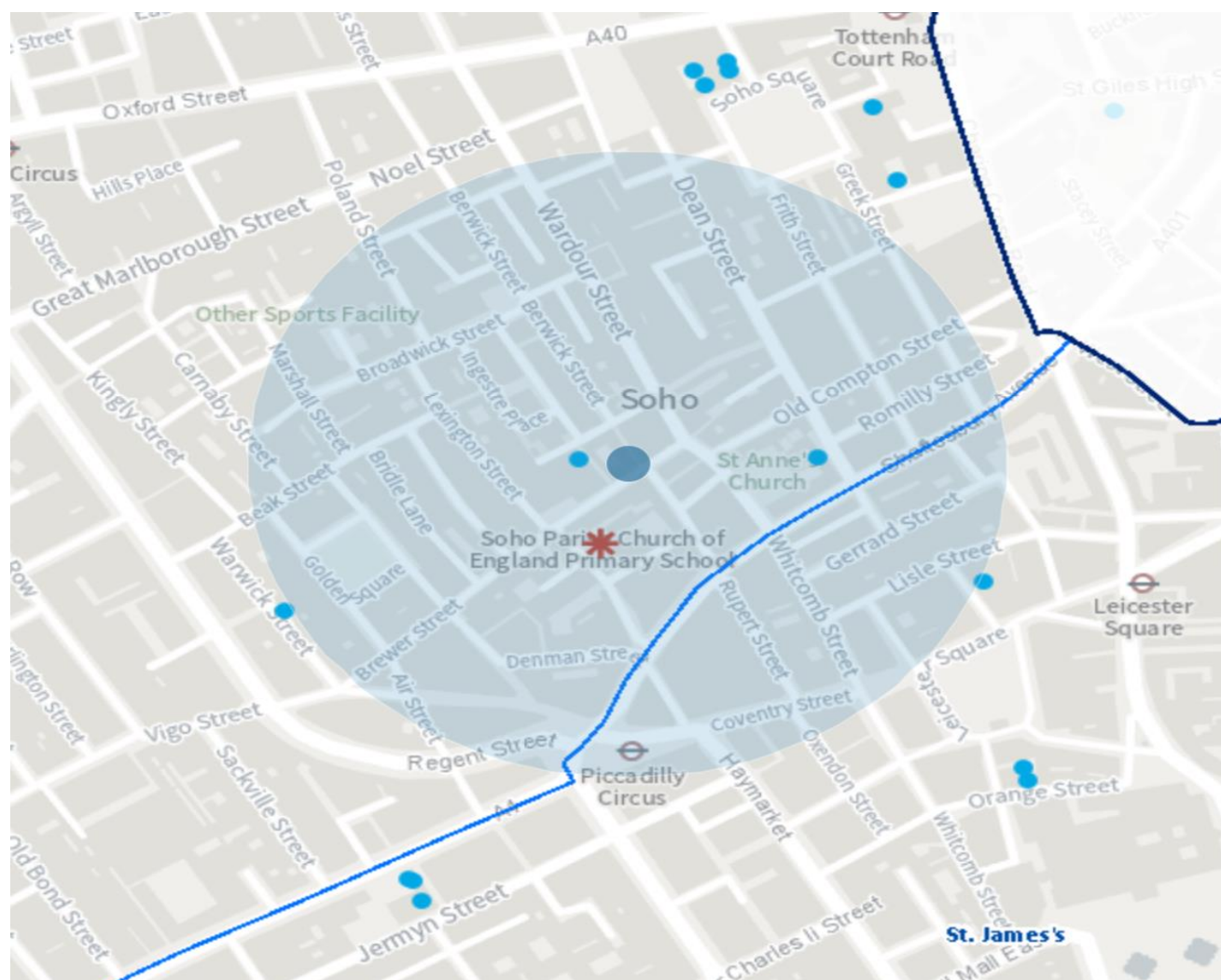
All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.

Standard Condition 30:

All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.

Standard Condition 31:

No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.



Number of Faith Groups within 300 metres of the premises – 2

Number of Schools within 300 metres of the premises - 1

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

3 February 2022

Licensing Ref No:

21/09487/LIPV - Premises Licence Variation

Title of Report:

Crockers Folly
23 - 24 Aberdeen Place
London
NW8 8JR

Report of:

Director of Public Protection and Licensing

Wards involved:

Regent's Park

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Kevin Jackaman
Senior Licensing Officer

Contact details

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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:	14 September 2021		
Applicant:	Crocker's Folly Limited		
Premises:	Crocker's Folly		
Premises address:	23 - 24 Aberdeen Place London NW8 8JR	Ward:	Regents Park
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises are a public house with a small external seating area.		
Variation description:	Condition 27 shall be varied to read: 'All outside table and chairs shall be rendered unusable by 22:30 hours.' This will permit customers to sit on the entire Terrace until 22:30		
Premises licence history:	The premises have had the benefit of a premises licence since July 2010. The current premises licence (licence number 20/00972/LIPT) is attached as appendix 1 of this report. A full licence history for the premises appears at appendix 3.		
Applicant submissions:	None		
Applicant amendments:	None		

1-B	Current and proposed licensable activities, areas and hours					
Regulated Entertainment						
Recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Basement and ground floor	No change
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:	
	Sundays before Bank Holidays 12:00 to 00:00. The hours for Regulated Entertainment may be extended from				No change	

	the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
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Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
			Both			No change
Monday Tuesday Wednesday Thursday Friday Saturday Sunday	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
	23:00	23:30	No change		Basement and ground floor	No change
	23:00	23:30				
	23:00	23:30				
	23:00	23:30				
	23:00	00:00				
	23:00	00:00				
N/A						
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays 12:00 to 00:00. Late Night refreshment shall be permitted from 23:00 on New Year's Eve until 05:00 on New Years Day.				No change	

Sale by Retail of Alcohol							
On or off sales			Current :			Proposed:	
			On			No change	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
	Monday	10:00	23:30	No change		Basement and ground floor	No change
	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:		
	Sundays before Bank Holidays 12:00 to 00:00. The hours for the sale of alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				No change		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Basement and ground floor	No change
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	22:50			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None			No change	

1-C	Layout alteration
No change of layout is proposed	

1-D	Conditions being varied, added or removed		
Condition		Proposed variation	
27. All outside tables and chairs shall be rendered unusable by 21:00 hours and the external area to the left of the entrance door as you face the premise shall be rendered unusable by 19:00 hours each day.		27.All outside table and chairs shall be rendered unusable by 22:30 hours	
Adult entertainment:		Current position:	Proposed position:
		None	No change

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	Reaz Guerra
Received:	07 October 2021
<p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p> <p>Following agreement of further conditions, the Metropolitan Police withdrew their representation on 19 October 2021</p>	
Responsible Authority:	Environmental Health
Representative:	Anil Dryan
Received:	12 October 2021
Representation is made as the proposal may result in an increase in Public Nuisance in the area.	

2-B	Other Persons		
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	12 October 2021		
<p>[REDACTED] - since lockdown we have experienced significant more noise from the restaurant and bar as they have put tables outside in the street . We have had people throwing their rubbish in our drive , urinating and groups of staff using the area to smoke .</p> <p>There are often very noisy people hanging around after hours , leaving litter and broken glass behind them . We have also experienced lorries parked in our drive in the daytime on a regular basis</p> <p>This area is residential and an area where lots of families with young children live . Please do not extend their licensing hours , it will be intolerable for my family and the neighbourhood</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	11 October 2021		
<p>I oppose this application.</p> <p>For reasons I won't go into as you timed me out on my first attempt to explain how awful extended hours would be for the residents who live in this area. I am disabled, suffering from multiple sclerosis.</p> <p>I STRONGLY OPPOSE EXTENDED OPENING HOURS FOR THESE PREMISES!!</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	18 September 2021		
<p>[REDACTED] . There is a consistent pattern to Crockers Folly's planning applications, to extend opening hours, to extend the number of table where people can sit outside the premises, and also extend the times when people can sit outside.</p> <p>It's not clear that Crockers Folly have ongoing permission to have tables and chairs on the pavement on the Cunningham Place side of the premises. This measure was brought in during the pandemic, when customers were only able to be served outside. We understood this to be a temporary measure, which would not continue when restrictions on customers being inside were lifted - which is now the case. The closest table is less than 10 metres away from a ground floor bedroom in our home.</p>			

This is a quiet residential neighbourhood, and we do not want the hours when people are drinking outside to be extended further. The new proposed time of customers leaving at 23.00 is too late for a neighbourhood of this kind. We also see no reason why opening hours should be extended on the Sundays before bank holidays until 24.00.

One other question. Crockers Folly used to have a security person monitoring the behaviour of people sitting or standing outside. This no longer seems to be the case

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	28 September 2021		

Wharnccliffe Residents' Association object to extending the outside hours until 10.30pm because this is too late for a residential area where young families, disabled and older residents will be directly affected. Most of the flats in Elmtown Court have living rooms and bedrooms directly overlooking Crocker's Folly so cannot avoid any noise made by the customers. We also feel that this will impact the whole of Wharnccliffe Gardens' Estate encouraging more traffic and people walking through the estate later in the evening.

Crocker's Folly has added more tables on Cunningham Place in the last year, increasing the number of people who can now sit outside. It is already often too noisy after 9pm in the evening especially when: there are parties; there are matches at Lords; or while people wait for taxis after leaving the restaurant/bar. There is also disturbance from regular deliveries connected to the premises in the early mornings; and in the last 2 years they have added a takeaway service further adding to the noise nuisance with motorbikes and scooters.

The impact of an extended time for outside dining and drinking will mean even fewer undisturbed hours in the night for sleeping in what should be a quiet residential area. We have also noted that Crockers' Folly has often exceeded the 9pm deadline in the last year

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	25 September 2021		

I object to extending the outside hours because this is too late for a residential area where there are young families and older residents who need their sleep. I personally look after my grandchildren on some school nights and as both my bedrooms directly overlook the Crocker's Folly we are affected by all noise generated from the premises.

The pub now has tables on both the Aberdeen and Cunningham Place sides, which have been added in the last year, so even more people can now sit outside. It is already noisy after 9 on some evenings particularly when there are parties; when there are matches at Lords; or while people wait for taxis. We also have regular deliveries to the pub waking us in the early morning; followed by a rubbish pickup every day for Crockers; and in the last 2 years motorbike there are takeaway pick ups have as well.

The impact of an extended time for outside dining and drinking will mean we have even fewer undisturbed hours at the night for sleeping.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	12 October 2021		
<p>I hereby object to this proposal.</p> <p>Any extension of hours will further affect the peace and quiet of our residential neighbourhood specially for our children, reducing our quality of life and turning our area into a late-hour food and drinks hub.</p> <p>We do not wish to lose amenity nor have an increased risk of drunk and disorderly conduct which would surely result if drinkers consume alcohol later into the night as proposed.</p> <p>Specially in the outdoor area, we often hear loud noises already with the license hours ending at 930pm. The current licensing hours, by the way, are often being violated.</p> <p>Though the existing operating hours have proven to be a somewhat acceptable balance, there is still plenty of boisterous noise from people leaving the premises already at 10 or 11pm. After eating and drinking for hours, people are not that mindful if there is a sign 'Please leave quietly' in case they get to read it all.</p> <p>So the hours do not need be changed and certainly NOT extended or this fine balance will severely affect the amenity of the local residents.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	12 October 2021		
<p>As a working mother of three children living on the same street as the property in question, I already struggle with noise and crowds of people spilling in to the road after matches.</p> <p>I ask the committee to please REFUSE this application and NOT extend the hours of music, noise and operation further than they are already.</p> <p>While I like the people who work in the restaurant and do wish them success, I ask that they remember that they are in a residential area. There are no other shops or restaurants on either street that the corner venue intersects.</p> <p>We neighbours need to put our kids to bed quietly, walk our dogs without fear of being harassed by drunken revellers on the curb, and go to sleep ourselves. The current hours are a good compromise.</p> <p>Thank you so much for your consideration.</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	12 October 2021		
<p>I am a neighbour and this is an objection to the above-mentioned application for extension of hours. I object to the proposed application for the following reasons:</p> <ul style="list-style-type: none"> - This is very residential area which is quiet, safe, orderly and clean. To have more hours of eating and drinking crowds would be detrimental to this and affect the amenity of all local residents, specially the elderly. - The Crokers Folly has been already having people eat and drink past the existing licensing hours, both inside and in the external terrace area. We the neighbours have barely tolerated that. But therefore no extensions to the existing hours should be permitted - Having more drinking crowds in our area later into the night will cause public disturbance and risk - We live very close to a cricket ground (Lord's) which attracts all-day/late-night drinkers on match days. Thousands of people from Lord's come to our residential area after drinking at the ground and cause noise, vandalism, litter and fouling. This goes on for half a year during the cricket season. It is impossible for any local resident to accept the risk of even later hours, encouraging more risk - I also object to the health and safety risk that longer hours represents: meaning more litter, broken glass, crowds of cigarette smokers, large crowds in our pavements blocking access. - Most important: No glasses or food outside (the building had a patio) after 930pm as already required by the current license. <p>NO TO EXTENSION OF HOURS FOR THIS PUB IN THE MIDDLE OF OUR NIGHBOURHOOD</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	10 October 2021		
<p>I object to expand opening hours at Crockers Folly</p> <p>The reason being it causes stress for women who walk out and see men urinating outside there door . A risk to people walking home late at night and into antisocial behaviour including violence in street. User of the bar sitting on public property smoking and drinking including staff. There is also disrespect for the elderly who are easily disturbed by the noise which can affect there mental health.</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	04 October 2021		
<p>As the father of two young children and working professional living one door away from the premises, I object to the extension of hours applied for.</p> <p>The current license's hours for both the internal and specially to the external terrace area have over the past couple of years proven to be an acceptable balance between noise/nuisance and commercial operation of the premises since the license was granted and the current hours fixed.</p> <p>Absolutely nothing has changed since then in the needs of local residents, our young children and the elderly for rest and quiet in such a densely residential area. Therefore the continuation of the current licensing hours is optimal.</p> <p>Any attempt to disruptively extend the well-balanced operation hours would simply increase the incidence of disorder and drunkenly boisterous behaviour, raise public safety issues and affect the environmental concerns that we have been avoiding with the current hours.</p> <p>So to preserve the existing hours unchanged achieves the best continuation for the premises within this otherwise very quiet residential area.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	10 October 2021		
<p>I object to the expanded pub hours</p> <p>Object to more noise.</p> <p>Object to customers leaving there half filled drinks and rubbish left on garden walls.</p> <p>Object to people using the walls as toilets, you walk outside your door and someone is standing there urinating,</p> <p>We have elderly people who don't like to come out specially when there is cricket on as it gets very rowdy and disorderly.</p> <p>Object to more traffic as cars and mopeds are up and down the roads.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	28 September 2021		
I strongly object to the extended outdoor opening hours.			

This is a quiet residential estate and the excess noise, including cars, customer disturbance, as the establishment is just a few feet away including parking on the estate is unacceptable, along with as has been the case previously people sitting on walls on the estate and using the area as a toilet!

The current hours being so close this estate and other residences is perfectly adequate.

Thank you

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	12 October 2021		

We object to any extension of licensing hours for all of the reasons set out in the original objection in 2017. We are sympathetic to the challenges facing business owners over the last 18 months, however, we must object on grounds of public nuisance. The current restrictions strike a fair balance between the needs of residents (many of whom are working families with school age children - 8 school age children alone on the west side of Cunningham Place, and a great many in the Wharnccliffe estate) and the commercial needs of Crockers. The current license has been occasionally breached - particularly when there are cricket matches on at Lords - with many customers drinking on the street and pavements - but residents put up with this as it is occasional and we want to support Crockers. However, amendments to licensing would increase this as a nuisance and likely result in this not being occasional. Further, the area on Cunningham Place, unlike Northwick Terrace, is not at all suitable for pavement licensing as there are no structures to support pedestrian traffic.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	23 September 2021		

Crocker's Folly is an amenity of great benefit to the neighbourhood. The owner has refurbished the wonderful interiors, and has provided a venue that replaces the pub that closed years ago. The restaurant should be able to serve customers outside during the summer months as this will increase the attraction of the place.

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <p>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect</p>

	<p>of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</p> <p>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</p> <p>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</p> <p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p>
Policy RTN1 applies	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has taken account of the Special Consideration</p>

	<p>Zones policy SCZ1 if the premises are located within a designated zone.</p> <p>5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</p>
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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.	Appendices
Appendix 1	Premises Licence 20/00972/LIPT
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 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service representation	07 October 2021 (withdrawn 19 October 2021)
5	Environmental Health representation	07 October 2021
6	Interested Party representation (1)	12 October 2021
7	Interested Party representation (2)	11 October 2021
8	Interested Party representation (3)	18 September 2021
9	Interested Party representation (4)	28 September 2021
10	Interested Party representation (5)	25 September 2021
11	Interested Party representation (6)	12 October 2021
12	Interested Party representation (7)	12 October 2021
13	Interested Party representation (8)	12 October 2021
14	Interested Party representation (9)	10 October 2021
15	Interested Party representation (10)	04 October 2021
16	Interested Party representation (11)	10 October 2021
17	Interested Party representation (12)	28 September 2021
18	Interested Party representation (13)	12 October 2021
19	Interested Party representation (14)	23 September 2021



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

Schedule 12
Part A

WARD: Regent's Park
UPRN: 100023121806

Premises licence

Regulation 33, 34

Premises licence number:

20/00972/LIPT

Original Reference:

14/03784/LIPN

Part 1 – Premises details

Postal address of premises:

Crocker's Folly
24 Aberdeen Place
London
NW8 8JR

Telephone Number: 020 7286 6608

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
Non-standard Timings:	See Condition 38

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00
Non-standard Timings:	See condition 39

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
Sundays before Bank Holidays:	12:00 to 00:00
Non-standard Timings:	See Condition 38

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 22:50
Sundays before Bank Holidays:	12:00 to 00:00

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:**

Crockersfolly Limited
21 Edgware Road
London
W2 2JE

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

09245735

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

Name: Maarouf Abouzaki

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

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

Licence Number: 05/09506/LIPERS
Licensing Authority: City Of Westminster Council

Date: 5 March 2020

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

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None.

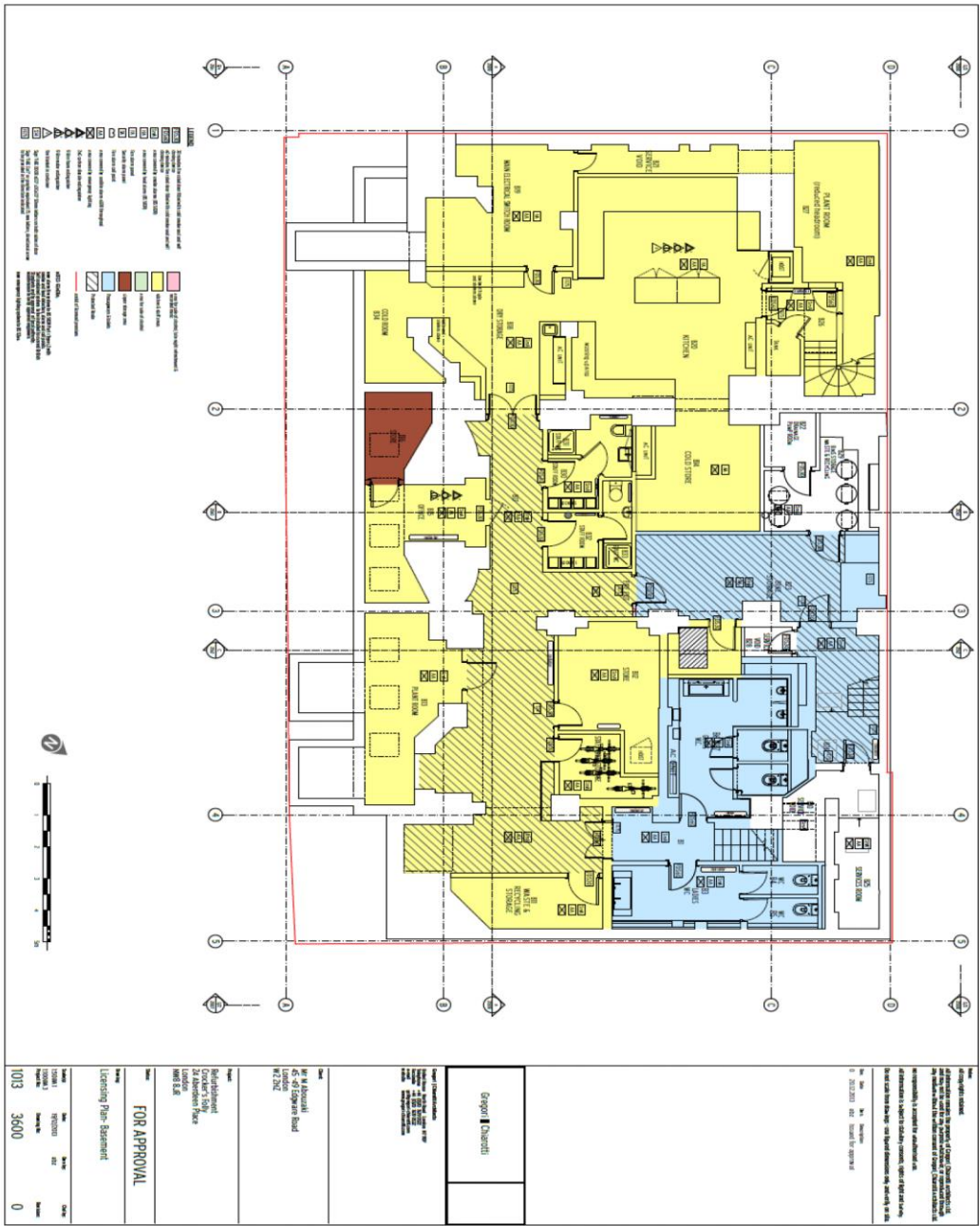
Annex 3 – Conditions attached after a hearing by the licensing authority

10. No deliveries to the premises shall take place between 17:00 and 09:00 on the following day.
11. Rubbish to be collected during the usual City of Westminster rubbish collection hours.
12. The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of a Metropolitan 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 venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be immediately arranged by a member of staff for hand over to Police or authorised officer following their request, throughout the preceding 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to arrange for Police to view recent data or footage with the absolute minimum of delay when requested.
14. An incident log shall be kept for the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) any complaints received regarding crime and disorder;
 - (c) any incidents of disorder;
 - (d) any faults in the CCTV system;
 - (e) any visit by a relevant authority or emergency service.
15. A minimum of 1 SIA licensed door supervisors shall be on duty at the entrance of the premises from 20:00 hours whilst it is open for business on Friday and Saturday. SIA licences worn by door staff shall be on display at all times, carried within yellow high visibility arm bands.
16. A minimum of 1 SIA licensed door supervisors shall be on duty at the entrance of the premises during the hours of licensable activity on Lord's Cricket Ground match days.
17. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. 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.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

22. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
23. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
24. After 21:00 hours 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.
25. Notices shall be prominently displayed at all exits and all areas used for smoking requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. After 21:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
27. All outside tables and chairs shall be rendered unusable by 21:00 hours and the external area to the left of the entrance door as you face the premise shall be rendered unusable by 19:00 hours each day.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 21.00 hours and 08.00 hours.
30. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
31. 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.
32. The number of persons accommodated at any one time (excluding staff) shall not exceed 150 with a maximum of 40 in the external areas.
33. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
34. 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.
35. 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.

36. 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.
37. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
38. The hours for Regulated Entertainment and Sale of Alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
39. Late Night refreshment shall be permitted from 23:00 on New Year's Eve until 05:00 on New Years Day.

Annex 4 – Plans





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

**Schedule 12
Part B**

**WARD: Regent's Park
UPRN: 100023121806**

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

20/00972/LIPT

Part 1 – Premises details

Postal address of premises:

Crocker's Folly
24 Aberdeen Place
London
NW8 8JR

Telephone Number: 020 7286 6608

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
Non-standard Timings:	See Condition 38

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00
Non-standard Timings:	See condition 39

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
Sundays before Bank Holidays:	12:00 to 00:00
Non-standard Timings:	See Condition 38

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 22:50
Sundays before Bank Holidays:	12:00 to 00:00

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:

Crockersfolly Limited
21 Edgware Road
London
W2 2JE

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

09245735

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

Name: Maarouf Abouzaki

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

Restricted

Date: 5 March 2020

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

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
14/03784/LIPN	New premises licence	10.07.2014	Granted by Licensing Sub Committee
16/00715/LIPV	Variation of the premises licence – extend external hours to 22:00	14.04.2016	Refused by Licensing Sub Committee
17/00767/LIPV	Variation of the premises licence – extend external hours to 22:00	03.05.2017	Refused by Licensing Sub Committee
20/00972/LIPT	Transfer - Firestone Management Limited to Crockersfolly Limited	12.02.2020	Granted under delegated authority

There is no appeal history

Temporary Event Notices	Date of Event	Activities/Hours	Decision
18/01191/LITENP	23.02.2018 to 01.03.2018	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 23:30 to 01:00	Event permitted
18/10017/LITENP	15.09.2018 to 16.09.2018	Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
18/10888/LITENP	06.10.2018 to 07.10.2018	Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
18/11716/LITENP	13.10.2018 to 14.10.2018	Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
18/12597/LITENP	02.11.2018 to 03.11.2018	Late night refreshment and Supply of Alcohol – 23:59 to 02:00	Event permitted
19/02714/LITENP	24.03.2019 to 25.03.2019	Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted

19/06685/LITENP	21.06.2019 to 22.06.2019	Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
19/08267/LITENP	27.07.2019 to 27.07.2019	Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
19/11579/LITENP	12.10.2019 to 13.10.2019	Late night refreshment and Supply of Alcohol – 23:59 to 02:00	Event permitted
19/15015/LITENP	29.11.2019 to 30.11.2019	Late night refreshment and Supply of Alcohol – 23:59 to 02:00	Event permitted
19/14563/LITENP	13.12.2019 to 14.12.2019	Late night refreshment and Supply of Alcohol – 23:59 to 01:45	Event permitted
19/15409/LITENP	07.12.2019 to 08.12.2019	Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
21/10916/LITENP	30.10.2021 to 31.10.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
21/13117/LITENP	27.11.2021 to 28.11.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
21/13679/LITENP	09.12.2021 to 10.12.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
21/14436/LITENP	27.12.2021 to 28.12.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
22/00094/LITENP	14.01.2021 to 15.01.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 23:59 to 01:00	Event permitted
22/00095/LITENP	17.01.2021 to 18.01.2021	Regulated Entertainment, Late night refreshment	Event permitted

		and Supply of Alcohol – 23:59 to 01:00	
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Tables and Chairs History

Application	Details of Application	Duration	Decision
21/01608/STTCPL	6 Tables, 16 chairs	18.03.2021 to 29.09.2021	Granted under delegated authority
21/04059/STTCPL	6 Tables, 16 chairs	10.05.2021 to 30.09.2021	Granted under delegated authority
21/09293/STTCPL	6 Tables, 16 chairs		Refused
21/10480/STTCPL	6 Tables, 14 chairs	11.10.2021 to 10.04.2022	Granted under delegated authority

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. No deliveries to the premises shall take place between 17:00 and 09:00 on the following day.
11. Rubbish to be collected during the usual City of Westminster rubbish collection hours.
12. The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of a Metropolitan 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 venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be immediately arranged by a member of staff for hand over to Police or authorised officer following their request, throughout the preceding 31 day period.

The Metropolitan Police have purposed the following updated condition which has been agreed by the applicant s as to form part of the operating schedule

- (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to arrange for Police to view recent data or footage with the absolute minimum of delay when requested.
14. An incident log shall be kept for the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) any complaints received regarding crime and disorder;
 - (c) any incidents of disorder;
 - (d) any faults in the CCTV system;
 - (e) any visit by a relevant authority or emergency service.
15. A minimum of 1 SIA licensed door supervisors shall be on duty at the entrance of the premises from 20:00 hours whilst it is open for business on Friday and Saturday. SIA licences worn by door staff shall be on display at all times, carried within yellow high visibility arm bands.
16. A minimum of 1 SIA licensed door supervisors shall be on duty at the entrance of the premises during the hours of licensable activity on Lord's Cricket Ground match days.

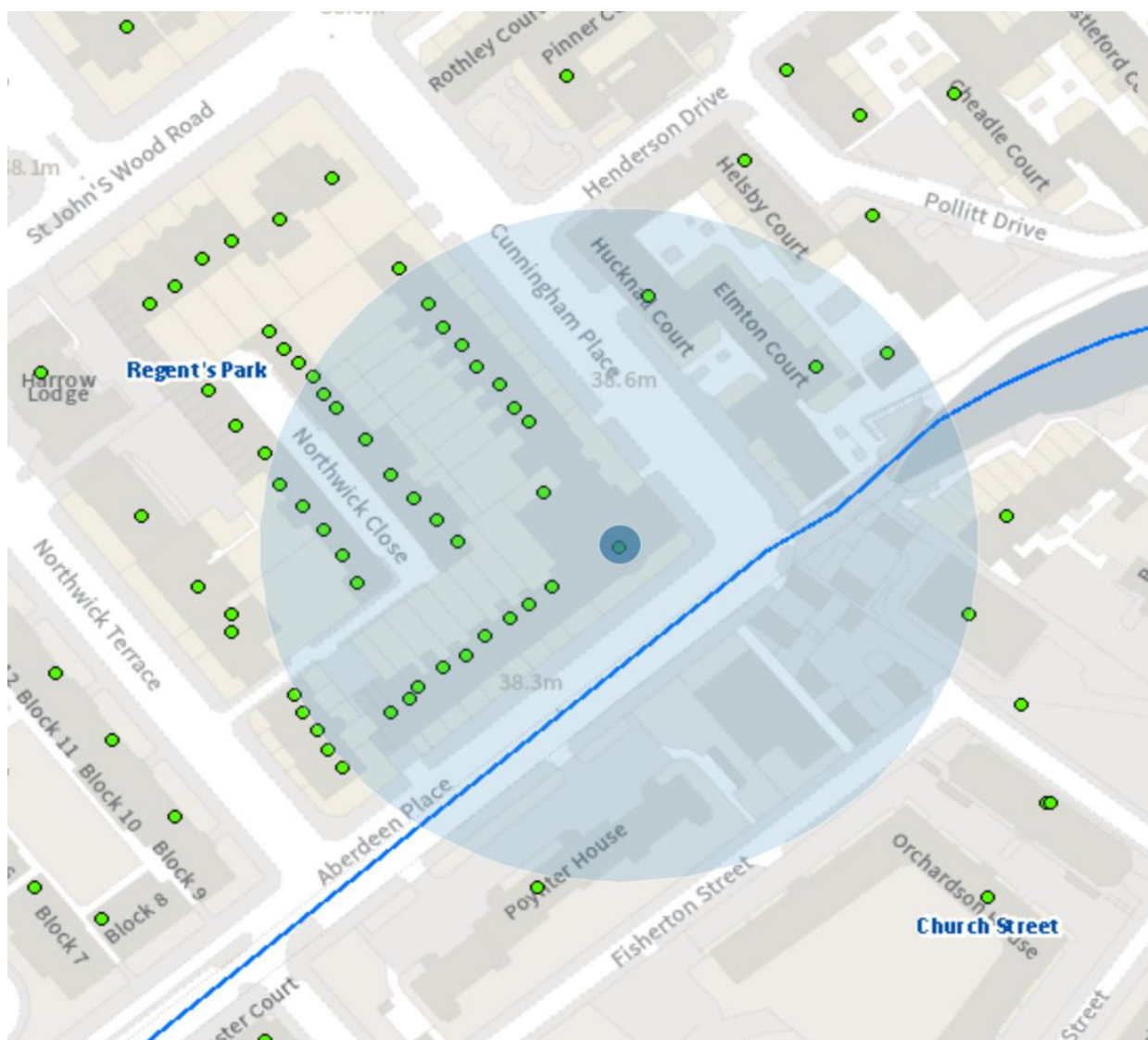
17. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
22. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
23. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
24. After 21:00 hours 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.
25. Notices shall be prominently displayed at all exits and all areas used for smoking requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. After 21:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
27. All outside tables and chairs shall be rendered unusable by 21:00 hours and the external area to the left of the entrance door as you face the premise shall be rendered unusable by 19:00 hours each day.

The applicant is proposing the following amended condition

All outside table and chairs shall be rendered unusable by 22:30 hours

28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 21.00 hours and 08.00 hours.

30. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
31. 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.
32. The number of persons accommodated at any one time (excluding staff) shall not exceed 150 with a maximum of 40 in the external areas.
33. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
34. 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.
35. 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.
36. 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.
37. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
38. The hours for Regulated Entertainment and Sale of Alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
39. Late Night refreshment shall be permitted from 23:00 on New Year's Eve until 05:00 on New Years Day.



Resident count: 144

There are no other Licensed premises within 75m of the premises

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Licensing Sub-Committee Report

Agenda Item 3.

Item No:	
Date:	03 February 2022
Licensing Ref No:	21/09220/LIPN - New Premises Licence
Title of Report:	Basement 22 - 25 Portman Close London W1H 6BS
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	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:	New Premises Licence, Licensing Act 2003		
Application received date:	8 September 2021		
Applicant:	Bb Traders Ltd		
Premises:	Convenience Local		
Premises address:	Basement 22 - 25 Portman Close London W1H 6BS	Ward:	Marylebone High Street
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises will be stocked with convenience goods including alcohol for packaging and delivery to fulfil customer orders made online. There will be no customer access to the premises.		
Premises licence history:	This is a new premises application and therefore no Premises Licence history exist.		
Applicant submissions:	During consultation, the applicant provided mediation letter for the residents.		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:00
Seasonal variations/ Non-standard timings:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	23:59	23:59	23:59	23:59	23:59	23:59	23:59
Seasonal variations/ Non-standard timings:		N/A					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Dave Nevitt
Received:	06 October 2021
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance.</p>	
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 04 November 2021</i>)
Representative:	PC Dave Morgan
Received:	06 October 2021
<p>With regards to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.</p> <p>There is insufficient information in the operating schedule and 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>To move forward, can you please supply me with further information how the business will operate.</p> <p>Can you please expand on how you will receive the orders and who will be delivering them, i.e is it your own staff or an established delivery company.</p> <p>Also, I cannot gain access to the website using the password that you provided in your application form. Can you please re-send this to me.</p> <p>Once I receive this information, I will compile a list of conditions for you to consider.</p> <p>Following an agreement of conditions with the applicant, the Metropolitan Police withdrew their representation on 04 November 2021.</p>	

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	16 September 2021		
<p>[REDACTED]. She objects on the following grounds:</p> <ol style="list-style-type: none"> 1. Risk of congestion in the Close, resulting in increased emissions. 2. Danger to cyclists by having large delivery vehicles parked up opposite a resident's parking bay. 3. The Close is not suitable for heavy commercial traffic. 4. Obstruction of pavement - there is no obvious way in which goods can be easily and swiftly loaded and unloaded into the basement. 5. Noise to neighbours of heavy deliveries. This is a quiet mainly residential street. 			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	03 October 2021		
<p>[REDACTED]</p> <p>I object to the application on the basis of noise disturbance and traffic congestion.</p> <p>The noise that will be created from a distribution centre/warehouse, potentially delivering at least 500 online orders a day in order to be viable, will with substantial traffic movements and people noise (possibly of a Deliveroo nature) seven days a week during both the day and night severely impact on the residents of the street. All other premises fronting the street are residential.</p> <p>We presently experience vehicles parking on the pavement when delivering to the applicant premises (currently operating as a serviced office business) in order to not obstruct the road which is only 15 feet wide opposite the premises. This forces us to walk in the road to get round the vehicles as the pavement is only 3 feet wide. This will only get worse and create potentially dangerous situations.</p> <p>Following the change of Planning Regulations i believe the previous sui generis is now category E and the operation of a warehouse/distribution centre would not appear to be encompassed within this planning category.</p> <p>Following the mediation letter further submissions were received from the interested party following on 04 November 2021:</p> <p>I confirm that my objection remains in place.</p> <p>If you want to see their proposed web site, not functioning so cannot be currently operating as stated in their email, you can type "Convenience local Portman close" into google and their proposed site appears under "uber eats" as a restaurant.</p>			

The original application obviously did not tell the whole truth in relation to deliveries as their subsequent letter makes clear that deliveries will take place throughout their proposed seven day 15 hour operating hours. The original application would lead you to believe that there would only be one delivery and pick up per day between 2 and 5pm.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	05 October 2021		

I am writing on behalf of [REDACTED] to express our objection to the above licensing application for a 'dark' convenience store on Portman Close. This objection is on the grounds of public safety, public nuisance and crime and disorder: Portman Close is unsuitable for a 24hour operational site under both the previous 'off license' model and the newly revised licensing policy (agreed at Full Council on 22 September). Application 21/09220/LIPN states that 'the premises will be stocked with convenience goods... to fulfil customer orders online'. This therefore falls under the new DC1 category, acknowledging the particular circumstances of Delivery Centres, their needs and local impact.

Portman Close is residential: The proposed location is directly opposite the residents' entrance to 15 Portman Square, a residential block of apartments. To the west, residential mews cottages, including a residential close, and to the east, by Baker Street, two building-specific loading bays whose deliveries largely arrive from and depart to Baker Street. Portman Close is narrow and has room for one vehicle to pass through, once the 6 residential permit parking spaces are occupied. There is also pay-by-phone parking for four motorcycles. The use of Portman Close will risk public safety to residents and users of Portman Close given the lack of room for the increase in vehicular movement in the narrow space.

Off-licenses, under the current policy, and the soon to be implemented DC1 licenses will be approved if "The premises are not located in a predominantly residential area... [which] means an area of the City in which housing is the predominant use." Portman Close is a predominantly residential area.

To the argument that may arise, that residents would benefit from this service in their vicinity, convenience stores at Baker Street are already operational within two minutes' walk (Tesco, Coop and others) until 10pm. We suggest that there is little additional benefit to residents of this service being made available to outweigh the public nuisance.

Delivery driver: Timings and licensing: The Proposed Applicant Conditions state that 'In regards to drivers there will be a general pick up time between 2-5pm and this will be the same time the driver brings deliveries to the office block therefore there will be no nuisance caused.' It is not clear if this is in reference to stock deliveries to the proposed site or regarding collections from drivers to delivery goods to customers. There is no evidence provided to explain how they will limit activity to those three hours in either case.

It is not made clear in the Proposed Applicant Conditions whether drivers will be directly employed or whether drivers of third-party company(ies) will be used. Concerns raised in the 2021 Licensing consultation relating to delivery driver safety, age verification and delegated licensee responsibility apply here. No detail is provided as to how this will be managed and there is no reference or concern to protect children from harm in this application. We welcomed the proposed revisions to the Statement of Licensing Policy earlier this year and we are keen that the intention of that policy is followed through in this application.

Delivery Driver waiting location: In our experience, delivery drivers wait in locations where the delivery apps are most likely to give them work. They therefore tend to congregate in a built environment not designed for this kind of movement, concurrently running multiple apps so that identifying individuals who behave inappropriately or illegally, causing a public nuisance, is high impossible.

Porter Street and James Street (near to this location) have experienced noise, litter, hate

speech directed to members of the public and crime and disorder where similar 'congregating hubs' evolve. This has resulted in multiple resident and business complaints to ourselves and WCC, requiring ongoing monitoring and engagement with City Inspectors, Parking and police time. Providing a viable opportunity to gain work at this location will cause a public nuisance to residents and many additional costs to WCC officers to monitor, police and deter.

Please note that the draft Shopify website offered to preview was not accepting the password supplied when [REDACTED] attempted to access it on 28 September.

As you are aware, [REDACTED] is a Business Improvement District, established in 2013. We are a not-for-profit company directed by and funded by 165 local member businesses for the betterment of the area for those working here, running businesses here and for the wider community, following annually agreed programmes.

We have worked hard over the last ten years, in collaboration with WCC, the [REDACTED] and local stakeholders, to maintain a high quality and well-managed location in central London. The location of this store is inappropriate and the application does not address legitimate concerns about its impact on the local streetscene, the prevention of public nuisance, maintaining a street safety nor the wellbeing of children, residents, visitors and workers. Given the history of challenges in relation to delivery driver behaviour, the lack of appropriate facilities for them to wait and the lack of any realistic evidence that the deliveries will be limited to three hours per day in a predominantly residential area, I encourage Westminster to refuse this licensing application.

Following the mediation letter further submissions were received from the interested party following on 02 November 2021:

We have read the document from the applicant outlining the steps they plan to take to encourage safe distribution of alcohol to verified residential addresses only. However, the letter does not address the two other concerns that we have raised, that is, that of public nuisance and crime and disorder.

The model proposed includes same day delivery that will require riders waiting for collection to take out orders to individual addresses. We have often witnessed poor behaviour and activity of delivery riders and drivers in the Quarter including littering, noise, inappropriate language and comments at the public. This is a road with a large number of residential dwellings and is a 'residential area'. The application does not make any indication as to what proportion the DPD next day delivery model vs same day rider delivery model will be of their business. The application does not make clear whether the same day delivery riders will be directly employed or self-employed – the former would be marginally more amenable as it would enable any 'bad apples' to be identified and banned – but the latter model allows for proliferation of riders waiting on orders and loitering in a residential area not designed for that use, with no ability to identify those who behave inappropriately and cause a public nuisance, crime and disorder while waiting for the orders to be created.

We continue therefore to object to this application in its totality.

Name:		[REDACTED] (Withdrawn 17 January 2022)	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	03 October 2021		
<p>Please note that I am instructed to object to this application by [REDACTED]</p> <p>The grant of this application is likely to cause substantial nuisance to local residents in the near vicinity. The applicant has failed to consult with local residents to assess the likely impact of the proposed business on the lives of local residents.</p> <p>A further representation was received from the interested party on 06 October 2021:</p> <p>Further to the objection lodged on 3rd October, please note that [REDACTED] [REDACTED] [REDACTED] to make this representation against the grant of the application.</p> <p>Following agreement of conditions with the applicant, the interested party withdrew their representation on 17 January 2022.</p>			
Name:		[REDACTED] (Withdrawn 17 January 2022)	
Address and/or Residents Association		Kingsley Napley LLP 20 Bonhill Street London EC2A 4DN	
Status:	Valid	In support or opposed:	Opposed
Received:	06 October 2021		
<p>Please note that I am instructed on behalf of [REDACTED] [REDACTED] to make a representation against the grant of this application on the grounds that it is likely to increase public nuisance [REDACTED] and the activities of delivery riders operating from the premises are likely to disturb these guests</p> <p>Following agreement of conditions with the applicant, the interested party withdrew their representation on 17 January 2022.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	23 September 2021		
<p>From the very scant information which is included in the documentation, it appears that this is an application to operate a warehouse and delivery "hub" from which alcohol will be ordered and delivered, presumably by riders on mopeds in a "Deliveroo" -style service. Mopeds are among the noisiest motor vehicles on the road, as many people will have noticed in the last year or so, when restaurant deliveries increased during the pandemic. The noise made by mopeds is an inevitable consequence of domestic food deliveries, but the noise made by deliveries to and</p>			

from a warehouse, which will be far more frequent than the normal rhythm of domestic use, are not inevitable in a residential area, and it seems obvious that it will make this rather quiet residential street significantly noisier and more congested, and will do so on a daily basis.

There are only 2 specific points in the appended documentation which are relevant to residents:

1. That deliveries and pickups will only occur between 2-5PM daily - This is inconsistent with the "redacted" document which applies for much longer licensable hours, but even activity between 2-5PM will increase congestion and noise, especially at weekends when the Close is (mercifully) rather quiet
2. That drivers will keep their engines off when parked - This is largely unenforceable, and in any case, where exactly in this narrow residential street will they park? And how many of them will there be?

Lastly, the website provided is not in fact accessible with the password provided, and thus adds nothing useful to the application. Also, what are the additional "convenience goods" alluded to in the "REDACTED" document? This is an application, based on scant and inconsistent information, to put a warehouse in the basement of an office building in a largely residential street, and thus completely ill-conceived and inappropriate.

Following the mediation letter further submissions were received from the interested party following on 01 November 2021:

I have had a chance to look at the letter carefully, and I thought my (brief) observations might be easiest to understand if listed below in numbered points:

1. My overriding concern is that this letter is much clearer as to what is being proposed than the original application was. The consequence of this discrepancy is that many local residents who might have strongly objected, had they known that what is proposed is a 15-hour-a day, 7-day a week motor vehicle alcohol and grocery delivery warehouse, have been deprived of the opportunity to do so by the vagueness of the original application, and the only residents who can now offer any feedback are the ones who decided to object based on the original application. This is surely an abuse of process, because while I do not allege that the discrepancy has been deliberate, since I have insufficient evidence to do so, it would obviously be an attractive strategy for an unscrupulous applicant to submit a vague initial application as a means of minimising local opposition, and then submitting a much more detailed proposal to the much smaller list of residents who have already objected, not least since the notification method for the process is much less noticeable than the notification method for initial applications which must be advertised on orange notices etc. In other words, it is relatively easy to miss or to forget to respond to an email, but it is much more difficult to miss a bright orange notice when walking past it every day, and for residents to call it to one another's attention. I am not criticising the Licensing team for this, I am just pointing out the potential ways in which unscrupulous applicants might seek to manipulate the process.
2. The letter states that "the premises is already operating as a 24/7 convenience store". I must say, that is news to me, and if so, how are they currently making deliveries, and what does the current application add to that?
3. The application is for a licence to deliver alcohol from 0800-23:00 every day. This is 15 hours a day. The only concession the applicant has made to concerns about noise and congestion from motor vehicles is to offer to make deliveries on "non-motorised vehicles" for the last hour of a 15 hour day. That is not only a negligible concession to the concerns raised in my original objection, but is also difficult or impossible to enforce.

So, in summary, the applicant has made only one, negligible and unenforceable concession to my previous objection, and has clarified what was not clear in the original application - that what

is proposed is *not* a delivery service to operate between 2PM and 5PM daily, which indeed makes very little business sense, but a 15-hour-a day, 7-day a week motor vehicle alcohol and grocery delivery warehouse in a quiet residential street, and that the applicant alleges that the premises is *already* operating as a 24/7 convenience store. and thus not only do I not withdraw my original representation, but I protest at these discrepancies between the original application and the mediation letter, and consider them an abuse of the application process by the applicant.

Name: [REDACTED] (Withdrawn 17 January 2022)

Address and/or Residents Association

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Status: Valid **In support of opposed:** Opposed

Received: 16 September 2021

[REDACTED]
[REDACTED] We are concerned about the level of noise which will be generated from delivery vehicles picking up groceries from the proposed new premises. Often these vehicles are of the scooter type which, in Portman Close, will cause noise to reverberate due to the proximity of the two buildings, and become a nuisance to residents of [REDACTED]
[REDACTED]

Following agreement of conditions with the applicant, the interested party withdrew their representation on 17 January 2022.

Name:

[REDACTED]

Address and/or Residents Association

[REDACTED]
[REDACTED]
[REDACTED]

Status: Valid **In support or opposed:** Opposed

Received: 03 October 2021

The application seeks to establish a distribution centre/warehouse for the delivery of goods ordered online. The premises were originally designated sui generis for planning purposes now translated into category E and this use appears to be outside of planning approval.

The application requests approval for operation of the premises for the above purpose 24 hours a day seven days a week and for actual distribution of alcohol along with convenience goods between 8am and 11pm Monday through Saturday and 9am to 10pm on Sundays. Whilst it says that most vehicles delivering orders and receiving goods will operate between 3 and 5pm the request is for considerably longer hours that will impact on the private homes that comprise the remainder of this quiet side street. The applicant premises are the only non residential premises on this street.

It is not unreasonable to assume that for the business to be successful, recent Times article, it will require a minimum of 500 online orders to be dispatched from the property daily. This volume of activity will necessitate considerable vehicle activity, many of which will be trucks and possibly Deliveroo type deliverers of individual orders, on a road that is only 15 feet wide opposite the applicant premises. We currently experience, from a limited number of large vehicles making deliveries parking on the pavement (3 feet wide) in order that traffic movement is not impeded. This often requires us to walk in the road to get round the vehicle and is a real problem for those with prams.

The proposed operational hours seven days a week and late into the evening will undoubtedly, with staff moving orders from the building to the delivery vehicles, create a noise nuisance. When a previous application for retail on the ground floor was approved it came with severe restrictions on opening hours to ensure residents were not disturbed.

Following the mediation letter further submissions were received from the interested party following on 01 November 2021:

I am pleased to hear that my objection to this license application was received. I have seen the letter that the applicant sent to my neighbour via yourself and the comments do not change my objection.

In the letter sent the applicant claims to be operating already from this address yet the website that will drive orders is not yet functional and in draft form shows that sales will primarily be alcohol with a small number of crisps and chocolate in addition. There is no indication of wider convenience goods or cleaning materials going to be sold.

To have such a business operating in a quiet primarily residential street seven days a week will create a nuisance [REDACTED] Contrary to the original application deliveries will not take place exclusively between 2 and 5pm as this will only relate to next day delivery. Same day delivery will take place every day throughout the proposed operating hours. This is a direct contradiction to the original license application.

My objection remains.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
Policy DC1 applies	<p>A. Applications for a delivery centre outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, 2. The hours for licensable activities are within the council's Core Hours Policy HRS1, 3. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone, 4. The premises are not located in a predominantly residential area, and 5. The application and operation of the venue meeting the definition of a delivery centre in Clause D. <p>B. Applications for a delivery centre within the West End Cumulative</p>

	<p>Impact Zone will be considered on their own merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, 2. The hours for licensable activities are within the council's Core Hours Policy HRS1, 3. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, 4. The premises are not located within a predominantly residential area, and 5. The application and operation of the venue meeting the definition of a delivery centre in Clause D. <p>C. Applications that do not meet Clause A or B will be considered on their own merits, subject to other relevant policies within this statement and the following considerations:</p> <ol style="list-style-type: none"> 1. The likelihood of the effect of the grant of the licence for a delivery centre on the licensing objectives and whether the applicant has demonstrated that they will meet the criteria and considerations within policies CD1, PS1, PN1 and CH1. 2. The proposed hours for the operation of the delivery centre, whether they are beyond the Core Hours as set out in Policy HRS1 and if so, what are the reasons for the additional hours and what has the applicant proposed as measures that will mitigate or eliminate any potential impact on the licensing objectives and residents in the vicinity of the premises. 3. If the application is located within: <ol style="list-style-type: none"> a. the West End Cumulative Impact Zone, have they demonstrated that they will not add to cumulative impact, or, b. a designated Special Consideration Zone, have they demonstrated that they have taken account of the issues identified in that area and put forward proposed mitigation measures in relation to those issues in accordance with Policy SCZ1, 4. Whether the premises are located within a predominantly residential area and if so: <ol style="list-style-type: none"> a. whether the applicant has engaged with local residents and/or local resident/amenity societies on the proposed application and the operation of the premises prior to submitting the application to the council, and b. whether the applicant has put forward sufficient control measures within the operating schedule to mitigate or eliminate the potential impact on residents in the area and the licensing objectives that have been identified as part of the pre-application engagement with residents or following receipt of relevant representations following the statutory consultation period. 5. Whether the delivery personnel working from the delivery centre are directly employed by the applicant or whether the delivery service element of the operation will be provided by a third party, 6. How will the applicant ensure that the operation of the premises and the delivery service, operated directly by them with their own staff does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act. 7. If a third party will provide the delivery service element of the operation on behalf of the applicant what are the contractual arrangements with that third party to ensure that the operation of the
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	<p>delivery service from the delivery centre does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act,</p> <p>8. The operation and management of the proposed delivery centre from the premises,</p> <p>9. The types of vehicles that will be used for the delivery of alcohol and/or late-night refreshment and whether they will likely create public nuisance,</p> <p>10. When will deliveries to the delivery centre or waste collection take place.</p> <p>11. The history of the applicant's operation of licensed premises and the premise's operation in relation to any impact on the licensing objectives, breaches of any terms and conditions of a licence, any reviews of a licence or offences committed under the Act,</p> <p>12. In addition to Sub-clause 6 and 7 above what measures the applicant or the third party providing the delivery service has put forward to mitigate the specific risk of public nuisance by the operation of the delivery service at the premises or at the end point of delivery,</p> <p>13. In addition to sub-clause 6 and 7 above what specific measures and processes the applicant or the third party providing the delivery service has put forward to mitigate the risk from the delivery of alcohol to children to ensure that they are protected from harm.</p> <p>D. For the purposes of this policy a delivery centre is a premises that's primary function is to temporarily store alcohol and/or to prepare hot food and hot drink, so that it is available when ordered for transportation to a customer's residential or workplace location.</p> <p>E. For the purposes of Clause A.4 B.4 and C reference to 'a predominately residential area' means an area of the city in which housing is the predominant use.</p>
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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

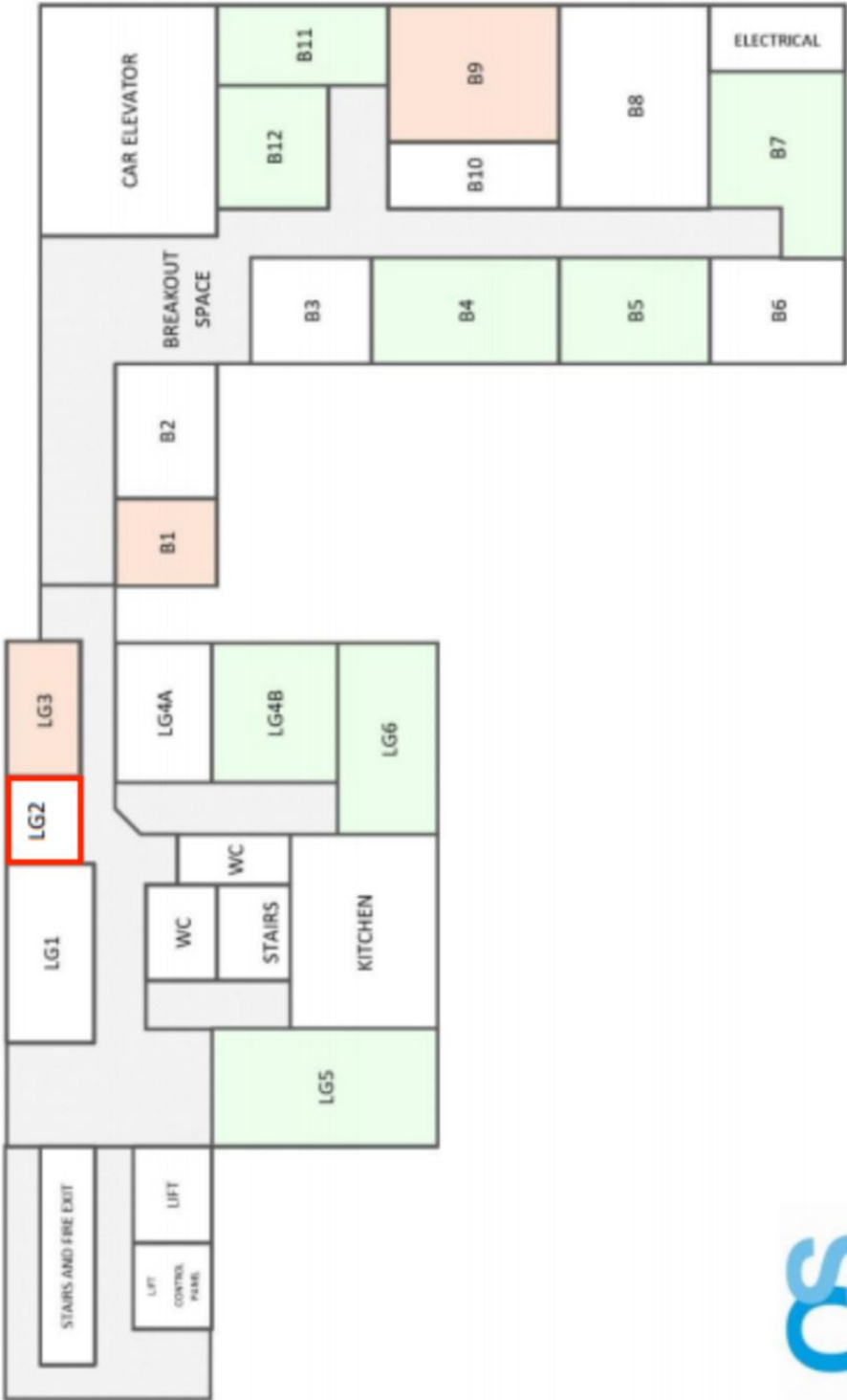
Report author:	Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

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	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	06 October 2021
5	Metropolitan Police Service (<i>Withdrawn 04 November 2021</i>)	06 October 2021
6	Interested party 1	16 September 2021
7	Interested party 2	03 October 2021
8	Interested party 3	05 October 2021
9	Interested party 4 (<i>Withdrawn 17 January 2022</i>)	03 October 2021
10	Interested party 5 (<i>Withdrawn 17 January 2022</i>)	06 October 2021
11	Interested party 6	23 September 2021
12	Interested party 7 (<i>Withdrawn 17 January 2022</i>)	16 September 2021
13	Interested party 8	03 October 2021

LOWER GROUND & BASEMENT FLOOR, 22-25 PORTMAN CLOSE, LONDON W1H 6BS



22-25 PORTMAN CLOSE—LOWER GROUND FLOOR & BASEMENT

Mediation Letter

22-25 Basement Portman Close W1H 6BS.

Dear Local Resident,

I understand that you have submitted a Representation in respect of my application for a Premises Licence and that you are concerned about how this may affect you. Please find detailed below a description of the business model, the Management arrangements and Licence Conditions which will be put in place to Promote the Licensing Objectives and reduce the risk of disturbance to local residents. I am hoping that this will address your concerns. However, if there are matters that I have not covered, or you still have concerns I am more than happy to discuss this with you in person or via email.

This application is for a new premises license at the location LG2 22-25 Basement Portman Close W1H 6BS. The applicant is BB traders Ltd, Trading as 'Convivence Local,

The purpose of the application is to obtain a premises license for the **sale of Alcohol (off sales via internet) from the hours between 08:00hrs – 23:00hrs Monday to Saturday and 0900hrs-22:00hrs on Sunday.**

The premises is already operating as a 24/7 convenience store - it is a **very small shared serviced office space 2 meters x 2.5 meters. One member of staff** will be re-stocking the office unit and packaging orders on site. The Sale of Alcohol will be an additional product.

Orders for alcohol **can only be placed remotely online** via our website and **NOT by customers visiting the premises. The office space is simply a storage facility.**

Orders made for next day delivery will be sent via DPD where **1 collection** will occur during **the day between 2- 5pm**. Any orders made for same day will be dispatched via same day delivery service between trading hours.

The aim for Convivence Local is to deliver it's customers confectionary items, household cleaning goods and alcohol to the consumers. We allow the customers to order from the comfort of their own homes without leaving their home or workplace. In essence becoming a local, but online, convenience store. This application aims to allow **alcohol to be just one of many** items that Local Convivence will be offering to its customers.

We have proposed the following Conditions to be attached to the Licence (please note especially the points in bold):

- 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) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system, searching equipment or scanning equipment

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

- Full name and address details, including postcode, must be given when placing an order.

- The record keeping requirements are that a day/night book must be kept at the despatch premises and a delivery book or invoice carried by the driver or courier must specify: (a) the quantity, description and price of alcohol, and (b) the name and address of the person to whom it is being delivered.

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

- **There shall be no customers allowed on the premises**

- Drivers will keep the engines turned off when parked

- **There shall be no signage or advertisement, or promotional material affixed to the outside of the premises that give any reference to the sale of alcohol taking place at the premises.**

- **Delivery of alcohol shall only be to a residential address or business address.** The alcohol shall only be delivered to occupants of that address. **To ensure the residents are not disturbed by noisy vehicles, I can confirm that alcohol will only be delivered in non-motorized alcohol after 22:00hrs.**

In regard to risk of congestion and heavy vehicles the one member of staff who works for Convivence Local will be the only one delivering the stock to the office in a small transit van or saloon style vehicle and NOT HGVs.
- The premises licence holder will ensure that an age verification policy will apply whereby all delivery staff will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
- A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that delivery staff will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
- All deliver staff shall be trained to record refusals of sales of alcohol in a refusal log/register. The log/register will contain details of the time and date the refusal was

made, the identity of the rider refusing the sale, details of the alcohol the person attempted to purchase. This log/register will be available for inspection by a police officer or other authorised officer on request

- At the time the order is placed a declaration will be required from the person placing the order that that person is over 18 years of age.
- Minimum age of 18 for delivery drivers
- Delivery will be refused if the driver believes the alcohol is being purchased on behalf of another person aged under 18 years.
- Customers to be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

Additional conditions agreed with Environmental Health – these are all agreed:

1. The Sale of alcohol for consumption 'Off' the premises shall at all times only be way of delivery to a bona fide address and following a remote order by way of telephone or internet.
2. Deliveries of alcohol from the premises shall only take place between 0800hrs – 2300hrs Monday to Saturday and 0900hrs-2230hrs on Sunday.

Additional conditions agreed with the Police- these are all agreed:

1. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
2. A Challenge 25 proof of age scheme shall be operated at the premises, the website/app and at the point of delivery where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
4. 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.
5. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
6. All delivery riders shall receive training in age restricted sales.
- Induction training must be completed and documented prior to the delivery of alcohol by the rider.
 - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
 - Training records will be available for inspection by a police officer or other authorised officer on request and will be stored by the licence holder for a period of 12 months.
7. Delivery of alcohol shall be to a residential address or place of work only.
8. All riders shall be trained to record refusals of sales of alcohol in a refusals log/register. The log/register will contain:
- details of the time and date the refusal was made;
 - the identity of the rider refusing the sale;
 - details of the alcohol the person attempted to purchase.
- This log/register will be available for inspection by a police officer or other authorised officer on request.

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. Full name and address details, including postcode, must be given when placing an order.

10. The record keeping requirements are that a day/night book must be kept at the despatch premises and a delivery book or invoice carried by the driver or courier must specify:(a) the quantity, description and price of alcohol, and (b) the name and address of the person to whom it is being delivered.
11. There shall be no customers allowed on the premises
12. In regards to drivers there will be a general pick up time between 2-5pm and this will be the same time the driver brings deliveries to the office block therefore there will be no nuisance caused
13. Drivers will keep the engines turned off when parked.
14. There shall be no signage or advertisement, or promotional material affixed to the outside of the premises that give any reference to the sale of alcohol taking place at the premise.
15. Delivery of alcohol shall be to a residential address or business address. The alcohol shall only be delivered to occupants of that address, and not for example neighbours.
16. The premises licence holder will ensure that an age verification policy will apply whereby all delivery staff will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
17. All delivery staff shall be trained to record refusals of sales of alcohol in a refusal log/register. The log/register will contain details of the time and date the refusal was made, the identity of the rider refusing the sale, details of the alcohol the person attempted to purchase. This log/register will be available for inspection by a police officer or other authorised officer on request
18. At the time the order is placed a declaration will be required from the person placing the order that that person is over 18 years of age.
19. Minimum age of 18 for delivery drivers
20. Delivery will be refused if the driver believes the alcohol is being purchased on behalf of another person aged under 18 years.
21. Customers to be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

Conditions proposed by the Environmental Health and agreed with the applicant so as to form part of the operating schedule.

22. The Sale of alcohol for consumption 'Off' the premises shall at all times only be by way of delivery to a bona fide address and following a remote order by way of telephone or internet.
23. Deliveries of alcohol from the premises shall only take place between 0800hrs – 2300hrs Monday to Saturday and 0900hrs-2200hrs on Sunday.

Conditions proposed by the Metropolitan Police and agreed with the applicant so as to form part of the operating schedule.

24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
26. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
27. A Challenge 25 proof of age scheme shall be operated at the premises, the website/app and at the point of delivery where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
28. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
29. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
30. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.

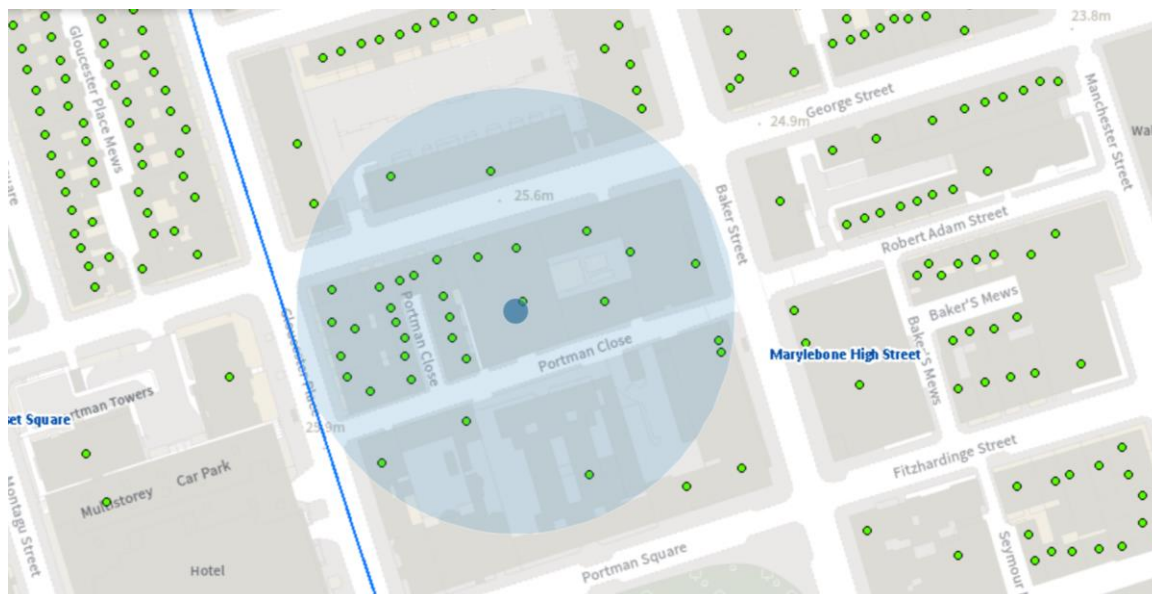
31. All delivery riders shall receive training in age restricted sales.
- Induction training must be completed and documented prior to the delivery of alcohol by the rider.
 - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
 - Training records will be available for inspection by a police officer or other authorised officer on request and will be stored by the licence holder for a period of 12 months.
32. Delivery of alcohol shall be to a residential address or place of work only.
33. All riders shall be trained to record refusals of sales of alcohol in a refusals log/register. The log/register will contain:
- details of the time and date the refusal was made;
 - the identity of the rider refusing the sale;
 - details of the alcohol the person attempted to purchase.
 - This log/register will be available for inspection by a police officer or other authorised officer on request.

Conditions proposed by [REDACTED] and agreed with the applicant so as to form part of the operating schedule.

34. Deliveries of goods to your premises should only take place between 08.00 and 22.00 on any day.

Residential Map and List of Premises in the Vicinity

Appendix 5



Resident: 254

Licensed premises within 75 metres of Basement, 22 - 25 Portman Close, London, W1H 6BS				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/07087/LIPT	Itsu	15 Baker Street London W1U 3AH	Restaurant	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30
20/02069/LIPT	Boteh Jeghe	110 George Street London W1U 8NX	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/07413/LIPDPS	Union	88-90 George Street London W1U 8PA	Public house or pub restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/04456/LIPVM	Santo Mare	89 George Street London W1U 8NL	Restaurant	Monday; 10:00 - 23:00 Tuesday; 10:00 - 23:00 Wednesday; 10:00 - 23:00 Thursday; 10:00 - 23:00 Friday; 10:00 - 23:00 Sunday; 10:00 - 22:00

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Licensing Sub-Committee Report

Item No:	
Date:	03 February 2022
Licensing Ref No:	21/06791/LIPN - New Premises Licence
Title of Report:	22 Great Windmill Street London W1D 7LD
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	8 July 2021		
Applicant:	The Thin White Duke Ltd		
Premises address:	22 Great Windmill Street London W1D 7LD	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises proposes to operate as a Café.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists. The premises have had the benefit of Temporary Event Notices and can be found at Appendix 3 .		
Applicant submissions:	The applicant has provided a letter to residents which can be found at Appendix 2 .		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both		Indoors	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ 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. On Sundays prior to bank holidays 23:00 – 00:00				

Sale by retail of alcohol				On or off sales or both:		Both	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ 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. On Sundays prior to bank holidays 09:00 – 00:00				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ 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. On Sundays prior to bank holidays 09:00 – 00:00				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Jessica Donovan
Received:	28 July 2021

Dear Sirs

I write in relation to the application submitted for a new premises licence for 22 Great Windmill Street, London, W1D 7LD.

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

Late Night Refreshment
Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00
From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 23:00 – 00:00

Retail sale of alcohol (On and Off sales)
Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 00:00
Sunday: 09:00 to 22:30
From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 09:00 – 00:00

Hours premises are open to the public
Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 00:00
Sunday: 09:00 to 22:30
From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 09:00 – 00:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PB1 and RTN1.

The Licensing Authority note that the application falls within Westminster's core hours and the intended use of the premises is a Café. As part of the operating schedule the applicant has proposed the following condition:

1. Notwithstanding condition 1, alcohol may be supplied and consumed prior to 9pm without a substantial table meal to persons seated and served by waiter/waitress.

This part of the operating schedule before 9pm falls within Westminster's PB1 Policy as there is no ancillary nature to the Sale by Retail of Alcohol.

Westminster's PB1 (B) policy states:

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

The Licensing Authority encourages the applicant to provide further submissions as to how the cafe will operate before 9pm and whether there is any limitation to the specific types of alcohol on sale.

As stated above this part of the operating schedule does fall within Westminster's PB1 policy and the applicant will need to demonstrate exceptional circumstances to allow the application to depart from policy.

The Licensing Authority also note in the operating schedule the applicant has proposed the below condition bringing this part of the application after 9pm in line with Westminster's RTN1 policy:

1. The premises shall only operate as a café:
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (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,
 - (iv) 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.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

Westminster's RTN1 (B) Policy states;

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises

and are served and consumed at a table.

3. Which do not provide any takeaway service of food and/or drink for immediate consumption.

4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The applicant has applied for the sale by retail of alcohol both on and off the premises. The Licensing Authority would encourage the applicant to provide further submissions as to the proposed operation of the 'off sales' from the premises, and how this is intended to be operated and controlled from the premises to ensure that there is no adverse impact within the West End Cumulative Impact Zone. The Licensing Authority would propose model condition 17 as follows;

1. There shall be no sales of alcohol for consumption off the premises after 23.00 hours

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact Zone, in accordance with policy CIP1.

Please accept this as a formal representation.

A condition was agreed between the applicant and the Licensing Authority. This condition can be found at Appendix 4.

Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Bryan Lewis
Received:	3 August 2021

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.

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

Also the application is contradictory, in that conditions state alcohol will only be sold to persons seated and by waiter/waitress, combined with the provision of off sales, beyond core hours. Insufficient conditions proposed to deal with off sales.

I am happy to discuss how this application may be progressed.

Following agreement of additional conditions, the Metropolitan Police Service withdrew their representation on 19th January 2022

Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	5 August 2021

I refer to the application for a new Premises Licence for the above premises which is located in the West End Cumulative Impact Zone

The applicant has submitted plans of the premises showing the Ground Floor, ref: Licensing Drawing 0.2, dated 29/6/21.

The following licensing activities are being sought:

1. Provision of Late-Night Refreshment 'Indoors' on Monday to Thursday from 23:00 to 23:30 hours and Friday and Saturday from 23:00 to 00:00. Also from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and On Sundays prior to bank holidays 23:00 – 00:00
2. Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday from 09:00 to 23:30 hours, Friday and Saturday from 09:00 to 00:00 and Sunday from 09:00 to 22:30. Also from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and On Sundays prior to bank holidays 09:00 – 00:00

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

1. Provision of Late Night Refreshment and for the hours requested may have the effect of increasing Public Nuisance in the Area.
2. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the Area.

Environmental Health also makes the following further comments:

- Some conditions have been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns.
- It is unclear from the application if the premises have already been constructed for the proposed use. Nevertheless, it will need to be inspected for Public Safety by Environmental Health prior to commencement of any licensable activities.
- The food preparation/cooking facilities will also need to be assessed in order to evaluate whether Public Nuisance may arise from cooking odour and/or noise from the operation of any plant and machinery.
- The standard of the party-wall sound insulation will also need to be assessed for the prevention of internal transfer of noise through the building fabric which may affect other users within the building block.
- The provision of sanitary accommodation for a public capacity over 25 must be at least in line with the guidance set out in British Standard 6465 and, where necessary, separate facilities for staff in compliance with guidance to Food Hygiene legislation.
- The Council has recently revised its Statement of Licensing Policy which is available on the Council's website. One of the new requirements under the Policy is that licensed premises must demonstrate achieving compliance with policy CH1 (Protection of Children from Harm, see page 36 of Policy). Free advice on achieving this can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf

The applicant is therefore requested to contact the undersigned to discuss the above issues

and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.

2-B Other Persons

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Received:

3 August 2021

This premises is located within the overall structure of Soho Parish School. It shares party walls with the school's classrooms.

As part of the designated West End Stress Area, Soho has the highest number of licensed premises in the UK. We do not think another licensed premises, specifically next to the only school in Soho, is needed or is desirable.

This is a brand new premises licence, not changes to an existing licence. The previous tenant, Soho Radio, operated brilliantly without selling alcohol and contributed positively to the school and neighbourhood community.

The Thin White Duke is simply yet another bar/restaurant. Soho has c.500 licensed premises. This is proliferation.

Parents have to stand in a queue in the street right outside this premises to drop-off and pick up their children. There are after school clubs that operate till 6pm. We already have drinkers standing outside the two pubs nearby. Kids and parents don't need more drinkers and smokers to navigate right outside our school.

Noise - we know from 27 years of living in Soho that it is nigh on impossible for bars and restaurants to consistently keep the noise from music and their patrons within reasonable limits. It's hard to see how the Thin White Duke and their patrons are not going to create noise for the school. Particularly if there are plans for a terrace (? it's not clear on the submitted plan?).

We do not support this new premises licence application.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Received:

4 August 2021

We write to make a relevant representation to the above application on behalf of [REDACTED].

[REDACTED] objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area.

About [REDACTED]

[REDACTED] is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

Application summary

New premises licence

Sale of Alcohol: Mon-Thurs: 09:00 - 23:30. **Fri-Sat:** 09:00 - 00:00 **Sun:** 09:00-22:30

Late night refreshment: Mon-Thurs: 23:00 - 23:30. **Fri-Sat:** 23:00 - 00:00

Opening hours: Mon-Thurs: 09:00 - 23:30. **Fri-Sat:** 09:00 - 00:00 **Sun:** 09:00-22:30

Additional information

Café in the West End CIZ.

Relevant proposed conditions

Condition 1; premises shall only operate as a café: (i) customers are shown to a table, (ii) the supply of alcohol is by waiter service, (iii) substantial table meals are prepared on the premises and consumed at the table, (iv) alcohol shall not be sold or supplied, otherwise than for consumption by persons seated in the premises and taking substantial table meals, and provided always that the consumption of alcohol is ancillary to taking such meals.

Condition 2; notwithstanding condition 1, alcohol may be supplied and consumed prior to 9pm without a substantial table meal to persons seated and served by waiter/waitress service.

Condition 13; all sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Condition 19; no licensable activities shall take place at the premises until the premises has been assessed by the EHCT, at which time this condition shall be removed, any such capacity will not exceed 30 persons (excluding staff) at any time.

The [REDACTED] Position

- **The application:** states these premises will operate as a café providing tables meals, however they also seek to permit the supply of alcohol prior to 9pm without a substantial table meal to persons seated, and to provide the sale of alcohol off the premises in sealed containers and not to be consumed on the premises. We object to this application, we are concerned this café is seeking to sell alcohol without food for the vast majority of its opening hours 9am - 9pm which will fundamentally change the nature of the café and turn into a bar in the West End Cumulative Impact Zone, its also proposing to include off sales. If granted this application will fail to promote the licensing objectives of the prevention of crime and disorder and public nuisance and increase cumulative impact in the West End Cumulative Impact Zone.
- **Licensed premises:** Soho has a huge number of food and beverage premises with over 200 restaurants, 72 cafés, 39 bars, 46 pubs and 31 clubs (including members clubs). It is also at the forefront of the evening and night time economy in Westminster, and after midnight Soho is saturated with late night premises, between 1am to 6am there are 126 licensed premises with a capacity of over 20,400. Soho is open 24 hours where alcohol is readily available, the area cannot accommodate another bar selling alcohol from 9am to 9pm, or an off licence until core hours.

Statement of Licensing Policy 2021

This application as presented is contrary to the Pubs & Bars Policy PB1, and Cumulative Impact Policy CIP1.

- **Public Houses and Bars Policy PB1;** it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than, '1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, 2. Applications to seek to vary the existing license so as to reduce the overall capacity of the premises.' The policy also states an exception may be permitted to applications no later than 9pm, if they meet

other policies in the statement which include CD1 and PN1. It goes on, under the reasons for this Policy, F10 states, '.... *Premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly with there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder.*' The council's own policy clearly highlights the negative impact of pubs and bars on residents. In our view there is no exception in this case, it will fail to promote the licensing objectives CD1 and PN1 and should be rejected on these grounds.

- **Cumulative Impact Policy CIP1**; this area has been identified by the Westminster City Council as under stress because of the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Cumulative Impact Assessment 2020 highlights the cumulative impact in the West End Zone, 1(p.9) stating, '*The rate of incidence per square kilometre here, as well as the rate of license premises per square kilometre, was approximately nine times than the borough average rat. **For crimes in particular, the rate was 10–13 times higher between 6pm – 6am compared to the borough's average.***' In relation to the impact of bars in an area, F82 states, '*among specific premises types assessed within the CIA, pubs and bars were one of the top licensed premises operation types that were most significantly aligned with incidents in their proximity.*'
- The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). The policy provides an assumption to refuse pubs and bars, music and dance venues and fast food premises, the policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (D.11 of the policy). The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area.

The Licensing Objectives

The Statement of Licensing Policy 2021 or Section 182 Guidance does not provide for any circumstance, including exceptional or otherwise, which would permit an application to be granted if the licensing objectives were harmed. We now consider the impact of this application on these objectives.

Prevention of Crime and Disorder - CD1

Under this Policy the criteria applied is, '*whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.*'

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, ***it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.*** It goes on to detail the number and types of crimes in the West End,

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.

- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). **Robberies Night, 2237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1529 (40%).** Noise Complaints Night, 1389 (16%). Reactive Waste Management, 6630 (10%). Ambulance call outs to locations of licensed premises, 5353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9662 (16%). **Total = 50,594.**
- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** most common crime type in the borough, in the evening and night they are particularly concentrated in the West End and along Oxford Street.

For residents living in Soho the findings of the Cumulative Impact Assessment is unsurprising, Soho transforms in the evening and night-time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above criminal activity associated with the large number of venues and the large numbers of people on the streets (including following the lifting of COVID restrictions) results in high levels of serious crime.

To add another premises functioning as a bar and an off licence in area already saturated will only increase crime and disorder and fail to promote the licensing objectives.

Prevention of Public Nuisance Policy PN1

Under this Policy the criteria applied states, *'the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'*

Residents live along the length of Gt. Windmill St and already suffer from late night noise, disturbance (pedicabs playing loud music, waiting taxis) anti-social behaviour including street fouling and high levels of crime and disorder from the existing number of licensed premises in the area. We are particularly concerned that these residents will be disturbed by intoxicated people leaving these premises.

In summary

The application proposes a new bar and off licence in the West End Cumulative Impact Zone in our view this application if granted will fail to support the licensing objectives and increase cumulative impact.

Please do not hesitate to contact us if you require any further information.

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████ ████████
Received:	5 August 2021

I would like to object to the planned works on the above application as the premises in question that are part of my residential home should not be used as a restaurant as the premises as far as my research has found does not hold a liquor license and should not be granted one for change of use.

i quote from ██████████ " a members only recording studio in the basement' this is not mentioned on the application

Points 8-9 indicate that a substantial meal will be prepared and served on the premises with no fumes, steam and odours being emitted from the premises. I live in the townhouse which shares the ground floor and my home occupies all of the above floors.

I can't see how this is going to be achieved as fumes, steam and odours rise. We Have logged many complaints to Westminster council with regards to the noise and smell of smoke coming from the premises from the last occupants.

Point 10: Regardless of signs being prominently displayed at all exits once patrons have been drinking these signs are ignored. We have video evidence of antisocial behaviour taking place on the street from the many venues that are already there.

Point 11 states that no noise will be generated from the premises by either equipment or patrons, again this seems a huge statement to make regardless of the acoustic test that the applicant wishes to perform. Also I have correspondence from Mr Almonte stating that they will be holding occasional concerts on the premises.

Point 15: As far as i am aware the collection of rubbish and recycling takes place in the early hours and this point has been worded in a manner to counteract them stating there will be no removal from the premises of said items between 2300 and 0800 hours. This needs further clarification.

Point 16: same as above

point 18: Once patrons are outside the premises smoking or making phone calls the noise rising up to my home is out of the control of the venue, smoke rises and voices become louder once alcohol is consumed, and I don't wish to have my windows closed during the proposed opening hours plus i have 2 terraces one on the front and one on the back that i will not be able to enjoy.

My front door is directly next to the entrance of the premises and people standing outside smoking is unacceptable. I have venues all around me and enjoy the vibrancy the area offers. I object to this application as the venue will be the basement and ground floor of my building. This will be detrimental to both my daughters and my own mental health and quality of living and does not offer anything that the area does not already have.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation

	<p>applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>8. Restaurants</p> <p>Monday to Thursday: 9am to 11.30pm.</p> <p>Friday and Saturday: 9am to 12am.</p> <p>Sunday: 9am to 10.30pm.</p> <p>Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
Policy RNT1 applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be

	in a bar area but must also be ancillary to the taking of such meal.
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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

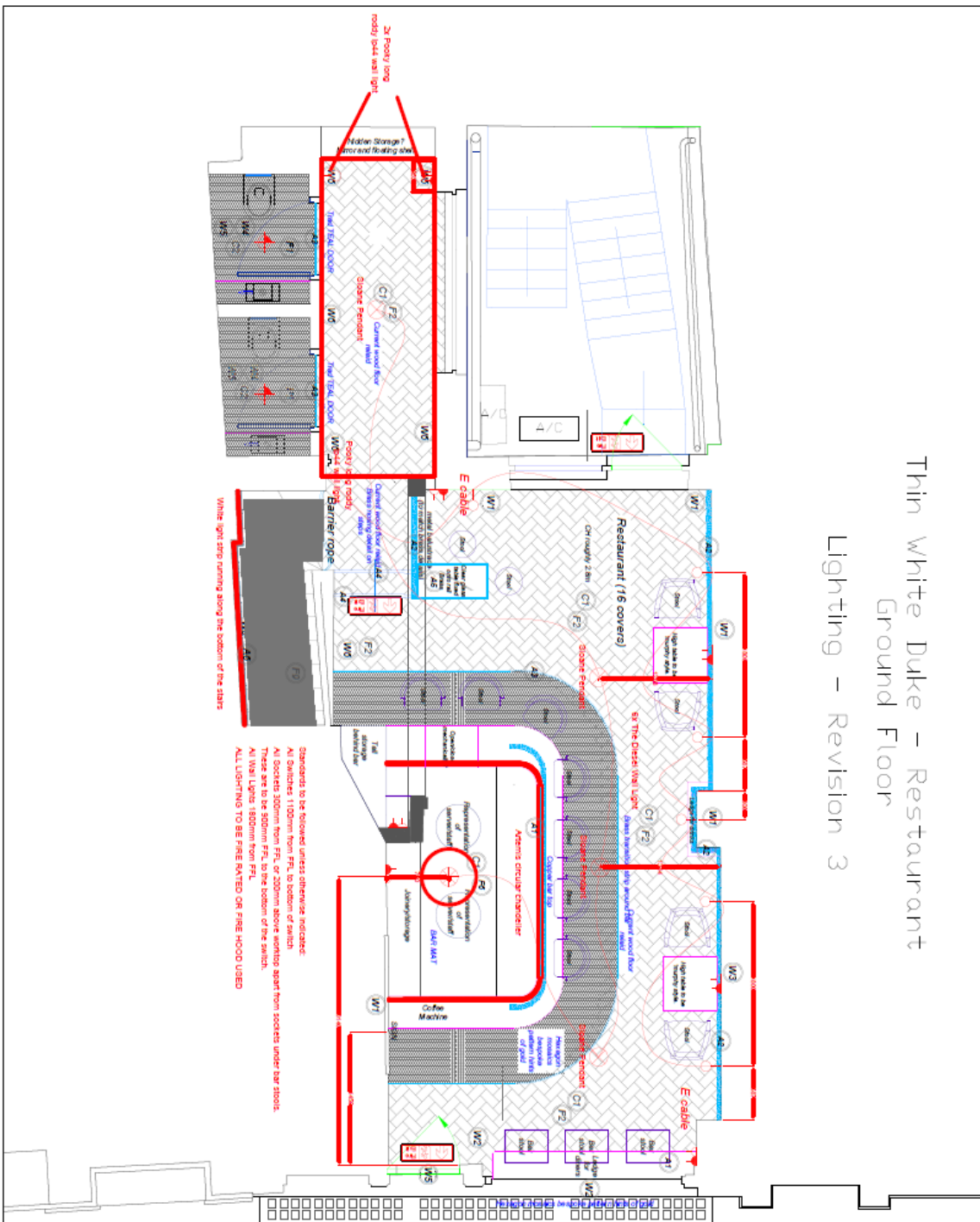
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Licensing Authority	28 July 2021
5	Metropolitan Police Service	3 August 2021
6	Environmental Health Service	5 August 2021
7	Representation 1	3 August 2021
8	Representation 2	4 August 2021
9	Representation 3	5 August 2021

Thin White Duke - Restaurant
Ground Floor

Lighting - Revision 3

[illegible]

From: [Alun Thomas](#)
To: [Meloyan, Emanuela: WCC](#)
Subject: Re: Public Representations - 21/06791/LIPN 22 Great Windmill Street W1D 7LD
Date: 07 September 2021 11:58:41
Attachments: [image001.png](#)
[image002.png](#)
[Re 22 Gt Windmill St CIA Police objection 3Aul21 2106971.msg](#)
[Re 2106791LIPN- 22 Great Windmill Street London W1D 7LD.msg](#)
[Response Letter\[2\].pages](#)
[Fwd 22 Great Windmill Street - Thin White Duke.msg](#)

Hi Emanuela

Please find attached e mails to:

1. The Police
2. The Licensing Authority
3. The 3 interested parties, including Mr Murray below:

Hello [REDACTED]

My name is [REDACTED] and I am the director of the business coming soon to 22 Great Windmill Street. I have received a copy of your objections to our receiving an alcohol license from the Westminster City Council. I understand your concern and hope to further clarify our aims for the business.

We do not intend to open a "bar". The Thin White Duke is primarily a hub for producers and recording artist. It is designed to function as a social setting for creatives to meet, eat, drink, share and collaborate. The cafe/restaurant portion is complementary to this purpose and ensures that we support the studio financially as our membership based model is unprecedented and a risk.

Because this is a recording studio, sound isolation is critical so our objectives and building strategies differ substantially from those of a "bar" or typical "restaurant". We have to ensure our studios enable controlled acoustic environments for our clients.

We respect our neighbours and understand the need for a safe environment. I assure you there will not be antisocial behaviour during school hours or otherwise from our customers. We are a very high end concept which itself does the most to curb bad behaviour but in addition alcohol is ancillary and complimentary to our main products which are the studios, coffee and food.

My fiancé [REDACTED] and I moved into Soho several months ago to be near our business and have intentions of entering our future offspring into SoHo Parish as well if we can. Soho is our permanent home and we love the amount of creativity and options available to us and our family. We intend to elevate the offerings in Soho with all of our businesses, not downgrade them.

I would also like to impress upon you just how small our venue is. The ground floor measures a total of 320sq feet. That is the total size of our cafe/restaurant which includes 2 bathrooms. We have an estimated max seating capacity of 20-30 people.

Sasha and I would love to invite you to talk over in person any concerns you might have and show you our business model in detail which we think is truly unique, special and elevating.

Thank you for your time [REDACTED]

Sincerely,

[REDACTED]

No reply has been received yet as far as I am aware.

Alun

Premises History**Appendix 3**

There is no appeal history for the premises.

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
18/02002/LITENP	Temporary Event Notice	6 th March 2018	Notice Granted
18/02003/LITENP	Temporary Event Notice	6 th March 2018	Notice Granted

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. The premises shall only operate as a café:
- (i) in which customers are shown to their table or the customer will select a table themselves,

- (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,
- (iv) 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.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

10. Notwithstanding condition 1, alcohol may be supplied and consumed prior to 9pm without a substantial table meal to persons seated and served by waiter/waitress.
11.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
14. 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.

15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. 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.
17. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. 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 unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority but any such capacity will not exceed 30 persons (excluding staff) at any time.
28. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity

so determined.

Conditions proposed by the Licensing Authority and agreed by the applicant so as to form part of the operating schedule.

29. There shall be no sales of alcohol for consumption off the premises after 23.00 hours

Conditions proposed by the Metropolitan Police Service and agreed by the applicant so as to form part of the operating schedule.

30. There shall be no sale of take-away food after 11pm

31. There shall be no off sale of alcohol after 11pm Monday to Saturday and Sundays
10:30pm

Conditions proposed by the Environmental Health

None

22 Great Windmill Street, London



Resident Count = 225

Licensed premises within 75 metres of 22 Great Windmill Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/11379/LIPT	Not Recorded	21 Great Windmill Street London W1D 7LB	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/11365/LIPCH	Be At One	20 Great Windmill Street London W1D 7LA	Public house or pub restaurant	Sunday; 10:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
17/02349/LIPDPS	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
15/02567/LIPVM	Blacklock	25 Great Windmill Street London W1D 7LH	Restaurant	Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 23:30
20/08988/LIPDPS	Duke Of Argyll	37 Brewer Street	Public house or	Sunday; 12:00 -

	Public House	London W1F 0RY	pub restaurant	23:00 Monday to Saturday; 10:00 - 23:30
20/07627/LIPDPS	Bocca Di Lupo	Basement And Ground Floor 12 Archer Street London W1D 7BB	Restaurant	Monday; 07:30 - 00:00 Tuesday; 07:30 - 00:00 Wednesday; 07:30 - 00:00 Thursday; 07:30 - 00:00 Friday; 07:30 - 00:00 Sunday; 11:00 - 23:30
17/09357/LIPN	Fiorucci	39-43 Brewer Street London W1F 9UD	Shop	Saturday to Sunday; 08:00 - 20:00
19/04243/LIPVM	Archer Street	Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP	Night clubs and discos	Monday; 09:00 - 01:30 Tuesday; 09:00 - 01:30 Wednesday; 09:00 - 01:30 Thursday; 09:00 - 01:30 Friday; 09:00 - 01:30 Saturday; 09:00 - 01:30 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 09:00 - 00:00
16/08679/LIPT	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
14/08609/LIDPSR	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
21/07347/LIPDPS	The Windmill	17 - 19 Great Windmill Street London W1D 7JZ	Night clubs and discos	Monday; 09:00 - 05:30 Tuesday; 09:00 - 05:30 Wednesday; 09:00 - 05:30 Thursday; 09:00 - 05:30 Friday; 09:00 - 05:30 Sunday; 09:00 - 03:00
19/00196/LIPN	Not Recorded	17 - 19 Great Windmill Street London W1D 7JZ	Sexual Entertainment Venue	Sunday; 09:00 - 03:00 Monday to Saturday; 09:00 - 05:30
21/07346/LIPDPS	The Windmill	17 - 19 Great	Theatre	Sunday; 09:00 -

		Windmill Street London W1D 7JZ		03:00 Monday to Saturday; 09:00 - 05:30
21/04777/LIPDPS	West End Metro	Ground Floor 38 Great Windmill Street London W1D 7LU	Shop	Monday; 07:00 - 02:00 Tuesday; 07:00 - 02:00 Wednesday; 07:00 - 02:00 Thursday; 07:00 - 02:00 Friday; 07:00 - 02:00 Saturday; 07:00 - 02:00 Sunday; 07:00 - 02:00
19/11333/LIPVM	El Camion	25-27 Brewer Street London W1F 0RR	Restaurant	Monday; 09:00 - 03:30 Tuesday; 09:00 - 03:30 Wednesday; 09:00 - 03:30 Thursday; 09:00 - 03:30 Friday; 09:00 - 03:30 Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00
14/07220/LIPN	(Restaurant)	Basement And Ground Floor 39 Great Windmill Street London W1D 7LX	Restaurant	Sunday; 11:00 - 00:00 Monday to Saturday; 11:00 - 01:00
17/12283/LIPT	Damson & Co	21 Brewer Street London W1F 0RL	Restaurant	Monday to Sunday; 08:00 - 21:45 Sundays before Bank Holidays; 08:00 - 00:00
19/14625/LIPVM	The Yard Bar	57 Rupert Street London W1D 7PL	Wine bar	Monday; 10:00 - 23:30 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 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
19/09651/LIPN	Not Recorded	57 Rupert Street London W1D 7PL	Wine bar	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
20/03711/LIPV	Olives N' Mezze Mediterranean Kitchen	Basement And Ground Floor 40 Great Windmill Street London W1D	Restaurant	Monday; 08:00 - 02:00 Tuesday; 08:00 - 02:00 Wednesday; 08:00 -

		7LY		02:00 Thursday; 08:00 - 02:00 Friday; 08:00 - 02:00 Saturday; 08:00 - 02:00 Sunday; 09:00 - 02:00
18/06468/LIPDPS	Gelupo	7 Archer Street London W1D 7AU	Cafe	Tuesday to Saturday; 11:00 - 01:00 Sunday to Wednesday; 11:00 - 23:00
19/13655/LIPDPS	Ham Yard Hotel	Ham Yard Hotel 1 Ham Yard London W1D 7DT	Hotel, 4+ star or major chain	Monday to Sunday 00:00 to 00:00
15/12078/LIPDPS	Engawa	2 Ham Yard London W1D 7DT	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
21/06902/LIPDPS	Bills	36 Brewer Street London W1F 9TA	Cafe	Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/03810/LIPN	Not Recorded	28 Brewer Street London W1F 0SR	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/10483/LIPDPS	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
10/06471/LIPRW	Scoop Fine Italian Gelato	53 Brewer Street London W1F 9UY	Shop	Monday to Sunday; 11:00 - 22:00 Monday to Sunday; 10:00 - 02:00
19/03516/LIPDPS	White Horse Public House	45 Rupert Street London W1D 7PB	Pub or pub restaurant with lodge	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
20/08801/LIPV	Bubbleology	49 Rupert Street London W1D 7PF	Shop (large)	Sunday; 12:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
06/06238/WCCMAP	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Shop	Sunday; 10:00 - 22:30 Monday to

				Saturday; 08:00 - 23:00
16/10909/LIPDPS	Lils	53 Rupert Street London W1D 7PH	Restaurant	Friday; 07:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 Monday to Thursday; 07:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:00
18/16069/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
21/08073/LIPDPS	Adanami	30 Brewer Street London W1F 0SS	Recording Studio	Monday to Sunday; 09:00 - 00:00
20/05587/LIPT	Paradise Ldn	61 Rupert Street London W1D 7PW	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:30
20/08767/LIPT	Chilango	24 Brewer Street London W1F 0SN	Restaurant	Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Monday to Friday; 10:00 - 23:00
17/15045/LIPDPS	Sophies	42 - 44 Great Windmill Street London W1D 7ND	Restaurant	Sunday; 09:00 - 23:00 Monday to Saturday; 09:00 - 01:30
18/16199/LIPVM	Shaftesbury Food And Wine	Ground Floor Unit 2 Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Shop	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00
21/09347/LIPVM	Lyric Theatre	Avenue House 25-27 Shaftesbury Avenue London W1D 7EG	Theatre	Monday; 09:00 - 00:00 Tuesday; 09:00 - 00:00 Wednesday; 09:00 - 00:00 Thursday; 09:00 - 00:00 Friday; 09:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 00:00
16/06157/LIPT	McDonald's	Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Restaurant	Sunday; 05:00 - 23:00 Monday to Thursday; 05:00 - 00:00 Friday to Saturday; 05:00 - 01:00
20/06574/LIPV	Cutter And	20 Brewer Street	Shop (large)	Monday; 09:30 -

	Squidge	London W1F 0SJ		21:00 Tuesday; 09:30 - 21:00 Wednesday; 09:30 - 21:00 Thursday; 09:30 - 22:00 Friday; 09:30 - 23:00 Saturday; 10:00 - 23:00 Sunday; 11:00 - 21:30
20/09205/LIPVM	Apollo Theatre	Apollo Theatre 31 - 33 Shaftesbury Avenue London W1D 7EZ	Theatre	Monday; 09:00 - 00:00 Tuesday; 09:00 - 00:00 Wednesday; 09:00 - 00:00 Thursday; 09:00 - 00:00 Friday; 09:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 00:00

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Licensing Sub-Committee Report

Item No:	
Date:	3 February 2022
Licensing Ref No:	21/08226/LIPN - New Premises Licence
Title of Report:	Jeru 11 Berkeley Street London W1J 8DS
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:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 August 2021		
Applicant:	88 Hudson Limited		
Premises:	Jeru		
Premises address:	11 Berkeley Street London W1J 8DS	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	West End Buffer
Premises description:	According to the application form, the premises proposes to operate as a Bakery/Delicatessen with restaurant and bar.		
Premises licence history:	<p>The premises currently has the benefit of a premises licence (21/13083/LIPT) which was granted in April 2016. This can be found at Appendix 3.</p> <p>The applicant has also applied for Pre-Application advice (21/05638/PREAPM), the report can be found at Appendix 2.</p> <p>The premises has the benefit of a Shadow Licence (21/06202/LIPN), details can be found at Appendix 4.</p> <p>The premises also had the benefit of Temporary Event Notices, and the history can be found at Appendix 4.</p>		
Applicant submissions:	The applicant has provided submissions addressing the relevant spatial policies, a draft dispersal policy and a restaurant menu which can be found at Appendix 2 .		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	00:00	00:00	00:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:			From the start time on New Year's Eve to the finish time on New Year's Day.				

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	00:00	00:00	00:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:			From the start time on New Year's Eve to the finish time on New Year's Day.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	00:00	00:00	00:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		From the start time on New Year's Eve to the finish time on New Year's Day.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	00:30	00:30	00:30	02:30	02:30	02:30	00:00
Seasonal variations/ Non-standard timings:		From the start time on New Year's Eve to the finish time on New Year's Day.					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Dave Morgan
Received:	9 September 2021

Application for a New Premises Licence - 11 Berkeley Street, London, W1J 8DS, 21/08226/LIPN.

With reference to the above, I am writing to inform you that the Metropolitan Police Service, as a Responsible Authority, are making a **representation** against this application.

It is our belief that if granted, the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

The reasons behind this are:

1. The venue is situated within the Mayfair Consideration Zone, a locality where there is traditionally higher crime and we have concerns that this application will cause further problems in an already demanding area.
2. The hours sought, are also beyond Westminster's Core Hours Policy.

I appreciate that you have already supplied a set of conditions, but to move forward, would you be able to supply me with further information on how the venue will operate and how you will mitigate any cumulative impact in the area.

Also, it is not clear on the supplied plans where the hatched area is for the holding bar and the bakery. Can you please let me know where these are and how they will be managed.

Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	14 September 2021

I refer to the application for a New Premises Licence.

The premises are located within the Mayfair Special Consideration Zone as stated in the City of Westminster's Statement of Licensing Policy.

The applicant has submitted floor plans of the premises.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Wednesday 10.00 to 00.00 hours, Thursday to Saturday between 10.00 and 02.00 hours and Sunday between 12.00 to 00.00 hours. New Year's Eve to New Year's Day.
2. To provide Late Night Refreshment 'Indoors' Monday to Wednesday 23.00 to 00.00 hours, Thursday to Saturday between 23.00 and 02.00 hours and Sunday between 23.00 to 00.00 hours. New Year's Eve to New Year's Day.
3. To provide regulated entertainment 'Indoors' comprising
 - Recorded Music
 Monday to Wednesday 23.00 to 00.00 hours, Thursday to Saturday between 23.00 and 02.00 hours and Sunday between 23.00 to 00.00 hours. New Year's Eve to New Year's Day.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the Mayfair SCZ.
2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the Mayfair SCZ.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the Mayfair SCZ.

The applicant has provided additional information with the application which is being addressed.

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

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	25 August 2021

I live at number [REDACTED] and am the managing agent of this building.

I would like to object to this application for myself and on behalf of all the residents of number [REDACTED] which is a residential building consisting of 19 flats and is

next to number [REDACTED].

Berkeley Street is saturated with licenced bars and restaurants and there is no more room for a new licenced establishment.

We already have problems with unauthorised parking, excessive noise from sports cars until early hours of the morning and traffic congestion.

A new licenced premises will enormously affect our life in this street which used to be a quiet and pleasant place in Mayfair.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Received:

25 August 2021

I have been a flat owner for the last 11 years in the building of [REDACTED] which is [REDACTED] to the licence application above.

When we moved in, Berkeley Street was a quiet gem of Mayfair.

Since then with the increase in restaurants and clubs, the street has become noisy, sleazy and a cause for concern, particularly at night when we return to the apartment. Often drunk people are sitting outside [REDACTED], making it difficult to enter the building. There are times when visitors of the clubs, bars and restaurants leave their calling card of VOMIT near the entrance.

In my opinion it would be more hazardous to residents to have yet ANOTHER licensed premises in our once quiet, peaceful street.

I hope that you will give due consideration to this objection.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Received:

28 August 2021

I object to this Application in the strongest possible terms and on many counts.

Notwithstanding the years of problems and disrupted sleep experienced as a resident of Berkeley Street from the noise, dirt and traffic produced by existing License holders' premises, it is not hard to imagine the impact of such an establishment so close to me.

It matters not what the Council tells these establishments the rules are, it is not the Council decision makers who lay awake at night listening to the effects of these late night alcohol licenses on residents.

Not to mention the increase in waste matter on the pavements (again, regardless of the rules that are in place about discarding rubbish), the noise of customers arriving and leaving (especially the drunk ones who from time to time vomit in our doorway), plus the smoking public who will be congregating so close to my bedroom window.

Such anti-social and long "open to the public" hours so close to a residential building is utterly irresponsible and seriously not good for the mental health of the residents.

Name:	██████████
Address and/or Residents Association:	██████████ ████████████████████ ██████████
Received:	10 September 2021

Dear Sirs

I would like to object on behalf of ██████████. My objection relates to the licensing objectives of, primarily, 'prevention of public nuisance' and 'prevention of crime and disorder'.

Background

The upper part of Berkeley Street is very residential. On one side of the street is 10 Berkeley Street with 19 flats, 17 Berkeley Street with 12 flats, 18 Berkeley Street with 20 flats and Berkeley House has 42 flats and goes all the way through Hay Hill. Residents have raised concerns over the last several years regarding the 'saturation' of Berkeley Street and its immediate environs with late night licensed premises. The number of premises operating late in the evening has increased in recent years, to the extent that late night licensed premises have (pre-pandemic) cumulatively given rise to serious problems of crime, disorder and nuisance. Local residents have to bear the brunt of this.

Residents of Berkeley Street have been impacted in recent years (pre-pandemic) by a huge increase in noise, nuisance, anti-social behaviour and other problems, caused by the number of late night licensed premises within a small area.

Reasons for objection

1. The application states it is to 'replace' the current licence. The current licence was granted in 2016 (ref: 16/01829/LIPN). That application was submitted requesting a terminal hour of 1am. The application was granted but with a terminal hour in accordance with the City Council's 'core hours' policy. We were (and are) content with that decision and those hours. That licence has been transferred to a different licence holder and is, as far as I am aware, still extant.
2. The current application therefore seeks a licence with much later hours on some days of the week than the current licence. Contrary to here is nothing evident from the application to justify any hours beyond 'core hours', particularly in view of the designation of the Berkeley Street area as a 'Special Consideration Zone' (SCZ) as a result of the City Council's 'cumulative impact assessment' published earlier this year.

3. Para B10 of the Council's Statement of Licensing Policy 2021 states that:

'The designation of additional areas as Special Consideration Zones is a new revision to this policy. This approach is necessary to highlight specific areas of the city where the Licensing Authority has concerns relating to the relationship between the number of licensed premises and the above average number of incidents occurring in that area. It is intended that the Special Consideration Zones and the associated policy will prevent these areas from becoming Cumulative Impact Zones in the future.'

The SCZ policy itself states that:

'In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their

operating schedule.'

4. However, although the hours sought in the application are much later, the conditions proposed are largely the same. In any event, we oppose hours beyond 'core hours'.

5. I note that the application refers to pre-application advice provided to the applicant. Presumably this document is available to objectors, and we would be grateful for a copy.

6. The application refers to 'hatched areas' on the plan - it is unclear where these are.

7. If the application was a genuine 'replacement' for the current licence then residents of 17 Berkeley Street would have no objections. However, it seeks significantly longer hours with no apparent justification despite a more robust policy approach in the latest Policy.

8. Dispersal of customers will be a major issue at this late hour. It is more likely that residents will be woken up by the noise of revellers and vehicular traffic, both of which are already major problems on Berkeley Street.

9. Residents are very clear that we are suffering from a 'cumulative impact' of licensed premises which is having a negative effect on the licensing objectives in the area. Residents have made these points to the licensing authority on many occasions and they were accepted on the application in 2016, which was restricted to 'core hours'.

10. Problems caused by the numbers of people here late at night have included shouting, screaming and other antisocial behaviour from the clients of these operators late at night to early hours of the morning. There has been vomit and dried urine outside our door steps and this has become more frequent with the increase in the number of late night premises. There has been waste and garbage left on both sides of the street and the council has seemed unable to deal with this.

There has also been a massive amount of traffic during the night, with double and triple parking on parts of the street. We experience cars honking, people showing off with their sport cars with loud engines creating very significant high decibel low frequency noise, which can't be tackled with any acoustic system, waking up the residents late at night.

For these reasons we implore the Licensing Authority to reject this application as much as it seeks permissions beyond those granted in 2016.

3. Policy & Guidance

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

Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none">• West End Buffer.• Queensway/Bayswater.• Edgware Road.• East Covent Garden.• Mayfair.• Victoria.
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not</p>

	<p>being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications. <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>8. Restaurants</p>
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	<p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
Policy RNT1 applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones <p>Policy SCZ1 if the premises are located within a designated zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

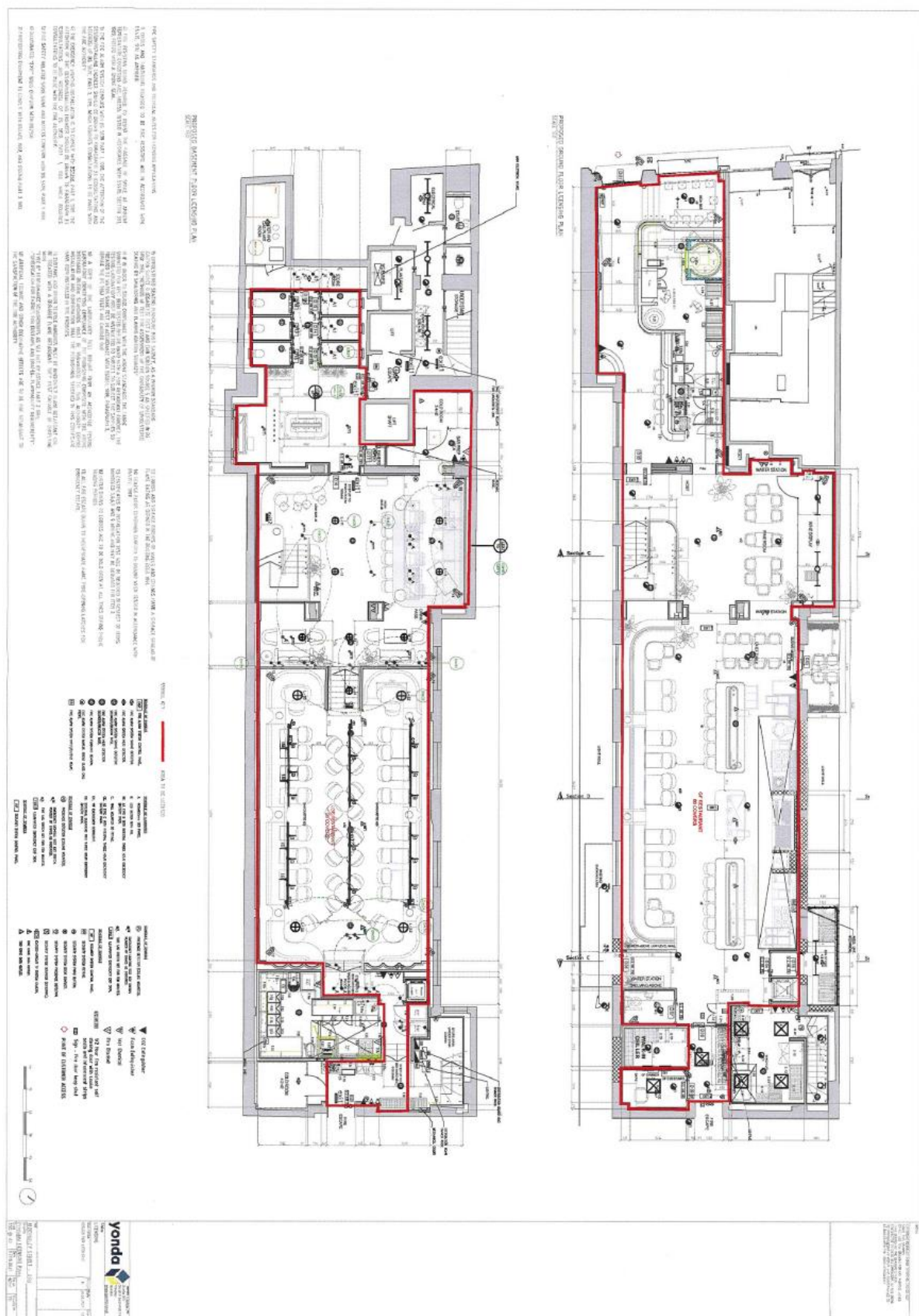
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Current Premises Licence 21/13083/LIPT
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 07866 019698 Email: kabbott@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	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	9 th September 2021
5	Environmental Health Service	14 th September 2021
6	Representation 1	25 th August 2021
7	Representation 2	25 th August 2021
8	Representation 3	28 th August 2021
9	Representation 4	10 th September 2021





Office Name: Ian Watson
Designation: Senior Practitioner
Environmental Health
Date: 03/08/21
Contact number:
Email: iwatson@westminster.gov.uk
Signed: Ian Watson
Uniform Ref Number: 21/05638/PREAPM

Trading name of business and Address: 11 Berkeley Street, W1J 8DS Reference Number if Applicable: 21/05638/PREAPM		
Licence: Yes 21/06277/LIPT	Applicant/Solicitor: Craig Baylis Kingsley Napley LLP	Cumulative Impact Zone: No Special Consideration Zone: Yes
Type of Business: Bakery and Restaurant Licensed Areas: Ground and Basement Floor Activities: Supply of Alcohol, Late Night Refreshment, Regulated Entertainment. Proposed Alcohol Hours: Thursday to Saturday 09.00 to 01.00 hours, Sunday and Thursday 09.00 to 00.00 hours. New Year's Eve to New Year's Day.		
<p>Pre application advice purpose: To assess the proposal to provide for a change of layout and increase the hours for licensable activity. Propose model conditions to address the licensing objectives and to minimize the impact on the local area. Advise on technical suitability and policy implications in advance of the appropriate application.</p> <p>Issues discussed and actions taken:</p> <p>Proposal assessed by Ian Watson (Environmental Health – EH) of the ground and lower ground floor area and to fully assess the proposed plans. The findings are detailed below.</p> <p>Means of Escape: General</p> <p>A circulation staircase provides access to the basement where it appears from the plans provided that a secondary means of escape is provided. It is not obvious from the plans if a secondary means of escape is provided at ground floor level.</p> <p>The current capacity of the premises is 175 persons, and it is advised that the fire risk strategy supports this overall capacity and identifies the maximum capacities for each floor. The fire strategy document must show that the width and direction of opening of both the main entrance and secondary means of escape doors will permit these numbers with the maximum travel distance must generally be no more than 18m. It is generally not acceptable for the public to escape through a risk area like the main kitchen or supportive areas.</p>		

General Public/Fire Safety Comments

- Every escape route (other than those in ordinary use) should be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4.
- A cause and effect for the fire alarm system and any fire curtains should be produced for consideration and this should include suitable cut offs of the music and other entertainment systems.
- Means of escape from the premises should be based on a simultaneous evacuation upon activation of the fire detection and alarm system and the system should ideally be a minimum L2 system in line with BS5839 part 1. This will allow maximum flexibility when calculating maximum occupancies as will give maximum early warning.
- The ceiling heights where possible should be maintained as high as possible to allow the maximisation of the capacity.
- All protected exit routes to be provided with a minimum of 30 minutes fire separation to other parts of the premises.
- It should be confirmed that suitable primary/secondary lighting is in place throughout the premises to cover all exit routes and changes of level (particular attention is drawn to the external steps that form part of the rear exit route). In addition, any key staff locations should be suitably covered also such as fire alarm panels.
- Contrasting nosing's should be provided to all staircases and particular attention is drawn to the external steps on the rear alternative exit route.
- All fire doors protecting exit routes should be provided with intumescent strips and smoke seals and comply with the relevant provisions of Table B1 of Approved Document B. Particular attention is drawn to the doors located off the rear alternative exit lobby.

Doors

To clarify the width of a doorway on the means of escape routes is the clear width measured between the leaves (or, if a single door, the leaf and the frame or doorstep) of the doors when open at right angles to the frame. Door hardware may be ignored if the door opens more than 90 degrees to the frame. Doorways should be not less than 2060mm high except that the height may be reduced to 1960mm in existing buildings. Curtains or drapes should never be hung across doors or escape routes within any of the licensable areas as this could impede any evacuation.

Thresholds

No door should open immediately over or onto a step. A single step on the line of a doorway is not acceptable. A landing at least as wide as the door and at least as long as the width of the door plus 400mm, should be provided between the door and the first step of any stair.

There should be no upstand or threshold bar across any doorway or escape route, other than a chamfered weather bar or threshold seal for sound insulation protruding a maximum of 6mm and arranged so as not to cause a trip hazard.

Protected Exit Routes

All protected exit routes should be provided with 30 minutes fire separation to other parts of the premises or as detailed in the Fire Strategy.

All Fire doors protecting escape routes should be provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of ADB.

In addition, the normal works condition and plans change condition should be attached to the application.

The above list is not exhaustive but details some of the key considerations for the proposed use of the space. It is also advised that a final clearance inspection should take place prior to any use under the licence.

Door fastenings

All exit doors should be free from fastenings when public, entertainers or staff are present or have fastenings that may be readily opened in emergency without using both hands or a key to open the door.

Note 1: This does not preclude the use of a key to open the door from the outside.

Note 2: Any removable devices, such as locks, bolts, chains or padlocks, used to improve security must be removed before the premises are occupied. A door alarm system is preferable to removable security devices where possible.

Where there may be more than 60 people, any fastenings on doors should be panic bolts or panic latches operated by push bars complying with BS EN 1125.

If a room holds less than 60 people, push pads or lever handles complying with *BS EN 179* are acceptable. The use of latches operated by lever handles should be avoided in public areas. Round knobs should not be used as they could be difficult to operate.

Any door furniture should be fitted between 800mm and 1200mm above floor level and should provide visual contrast with the surface of the doors. To avoid confusion push plates should usually be fitted for pushing doors and handles to pull doors.

Licensing Policy:

These premises are not located within any recognised Cumulative Impact Zone and therefore applications will be dealt with on their merits and in line with the licensing objectives. The premises are located within the Mayfair Special consideration zone and therefore the applicant will need to address the local issues that need to be considered by applicants are: • General crime. • Noise nuisance (noise). • Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.

The area also has a high density of residents and therefore the style of operation especially into the later hours would need to reflect a restaurant operation with minimal bar use. The current licence has

a restaurant condition (model condition 66) with pre and post drinking for a maximum of 25 persons.

Therefore, policies RTN1 and HRS1 would apply and to satisfy any relaxation of these policies suitable operation conditions and policies would need to be proposed and implemented. Such policies would cover smoking arrangements, dispersal, refuse collections/deliveries and appendix 11 of licensing policy.

Therefore, with the stated concerns of the licensing policy it is imperative that conditions are proposed that sufficiently address these concerns and the licensing objectives.

Public Nuisance:

Whilst the current maximum operating capacity of the premises is 175 persons (excluding staff) it is proposed that capacity of the separate floors are maximised for general use.

It is proposed that public toilet facilities are unisex with separate wash hand facilities.

Therefore, a minimum of 7 unisex toilets would be required for the public.

A disabled/accessible toilet should be provided.

Separate staff toilets should also be provided.

The current premises licence when applied for new 16/01829/LIPN was for a restaurant operation until 01.00 hours Monday to Saturday and 23.30 hours Sunday. It attracted numerous objections from local residents and an amenity society and following a committee hearing was only granted to core hours.

It is therefore envisaged that any similar application for the extension of hours beyond core hours would attract a similar level of objection.

Licensing Position:

A new application will be submitted with the following supportive conditions to address the licensing objectives.

- Except for the ground floor bakery hatched area the premises shall 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 takeaway service of food or drink for immediate consumption,
 - v) Which do not provide any takeaway service of food or drink after 23:00, and
 - 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 a substantial table meal 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.
- Notwithstanding the above condition, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar area hatched red on the plan, prior to and after their meal.

- The supply of alcohol for consumption on the premises within the ground floor bakery hatched area shall only be to persons seated.
- 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.
- There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23:00 hours.
- All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
- There shall be no supply of alcohol for consumption 'Off' the premises after 23.00 hours.
- 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 and will include the external area immediately outside the premises entrance. 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 persons at any one time.
- Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the licensed plan.
- Patrons permitted to temporarily leave and then re-enter the premises at ground floor level, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 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.

- After 21.00 hours each day there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- After 21.00 hours at least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
- 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 regarding crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
- 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.
- External doors shall be kept closed after 23.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- Loudspeakers shall not be located in the entrance lobby or outside the premises building, including any external terraces.
- A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- A direct telephone number for the duty 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.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
- With the exception of fresh produce, deliveries to the premises shall only take place between the hours of 07:30 and 12:00 hours (midday) Monday to Saturday and between 09:00 and 12:00 hours Sundays and Bank Holidays.
- 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.
- The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
- No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

- Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions that were imposed on the current licence that may be considered include.

- No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.
For the purpose of this section,
'Directly' means: - employ, have control of or instruct.
'Indirectly' means allowing / permitting the service of or through a third party.
'Specified' Area' means the area encompassed within (insert name of boundary roads.)
- Support shall be given to the Berkeley Street monitoring scheme that may exist including a material financial contribution to any paid for enforcement scheme.

Conclusion

The new application with supportive model conditions should provide some comfort to both interested parties and responsible authorities.

The style of operation is conditioned as a restaurant except for the new bakery area and it is advised that a terminal hour is proposed for the supply of alcohol to this area without being ancillary to food. It is advised that a robust dispersal, smoking, appendix 11 policy is developed to minimise associated nuisance when people and staff are leaving the premises at the later hours.

Any smoking area should be positioned directly outside of the premises and should be adequately supervised.

Note the requirement for public and staff toilet facilities at the premises to support the proposed capacity.

Residential objections to a later licence will be expected and their concerns should be noted and addressed.

As part of the application process it is advised that the other responsible authorities will also need to assess the proposals and may wish to make additional comments.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

From: [Craig Baylis](#)
To: [Pring, Mary: WCC](#)
Subject: RE: 21/08226/LIPN - 11 Berkeley Street, W1
Date: 17 September 2021 16:58:31
Attachments: [image002.jpg](#)
[dispersal policy_26520761_1.docx](#)
[berkeley conditions.docx](#)

Mary

In relation to the SCZ policy I note that these premises fall within the Mayfair SCZ and therefore the matters to be addressed are those of

- General crime.
- Noise nuisance (noise).
- Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault

I am attaching a draft dispersal policy which we believe would deal with concerns in relation to noise nuisance from patrons leaving the premises.

I also attach the schedule of conditions which were submitted with the licence application which we feel addresses the issues of concern in this SCZ.

In particular, the following conditions are intended to deal with noise nuisance

- 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.
- External doors shall be kept closed after 23.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- Loudspeakers shall not be located in the entrance lobby or outside the premises building, including any external terraces.
- A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway

In relation to general crime and assaults in the area we have proposed that

- After 21.00 hours at least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
- The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

Please let me know if you require further information.

Craig Baylis
Partner
Kingsley Napley LLP



COCKTAILS

ZAWABAN Tapioca Blanco Tequila Saffron Agaveöl Sage Agave Saffron Salt Rim	16
LAVIA CLUB Whiskey, Yell-Gin Dubonnet Pomegranate Rose Petal Foam	15
JINDILLI Whiskey, Yell-Gin Campari Dubonnet Roasted Beetroot Macadamia	16
EYE OF PROVIDENCE Mescal Jamaica Black Sesame	18
MAVPAIR COLLINS Verset Vodka infused with Bee Pollen Yuzu Ginger	15
HERU SOUR Pisco infused with Artichoke Lemon Preserve Raw Honey	17
DIRTY ONE Bourbon Gin Verset Vodka Lemon Thyme	17

BEER

Empress Ale IPA	7,5
1916 Bier, Loebler Brewery Switzerland	7,5

SOFT DRINKS

Haregate Still or Sparkling 750 ml	3
Coca Cola	4,5
Diet Cola	4,5
Three Cents Grapefruit Soda	3
Pever Tree Ginger Tree	3
Pever Tree Lemonade	3

Jeru.

RAW, CURED & NIBBLES

Marinated warm olives	5
Sheep cheese roasted almonds	4
Potato fermented wood fire bread, honey, parsley	5
Dry-aged tuna, smoked labneh, tamarind & orange dressing	17
Yellow tail kingfish, date, ginger, persimmon, lime leaves	16
Smoked duck sujuk bites, pickled onions, kumquats & pieces	15
'Cobble Lane' cured lamb & fennel salami	13
'Liammond' Charcuterie, cured lamb	15
'Torbes Farm' Angus rump basterma	16

MEZZE

Dry-Aged kingfish, Nabkha tabini, fermented chickpeas, Old City brique	23
Fried halloumi doughnuts, truffle honey & pieces (v)	14
Add fresh truffle	5
Charcoal octopus, cuttlefish rag, black spinach, chili	24
Ocean trout 'vanke harra', roasted fennel tabini, burnt pine nut & bone marrow jus	25
Mediterranean 'shish' dumplings, beef cheek, leek yogurt, mint	28

VEGGIES & MORE

Mushroom 'murtabak', lime labneh, mint salsa (v)	29
Croft sugar loaf cabbage, cariat, seasonal mushroom & kefir lime jus (v*)	23
Charcoal Brussels sprouts, fermented chili jam, whipped labneh (v*) (add cured lamb ->)	25
Hararibab Jerusalem artichokes, goat whey, anchovies (v*)	29
Charcoal roast aubergine, macadamia dukkah, smoked herb tabini (v)	23

CHARCOAL MEATS & FISH

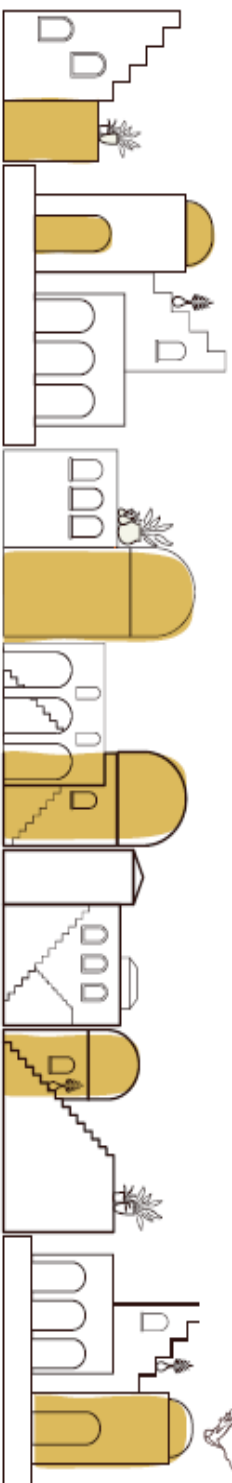
Rib-eye, bone off 'Maurice Kelly Farm' MB+, 28 days salt more dry aged	45
Beef Riblet 'Creek Stone Farm' MB+, 200g, 100 days corn fed, Black Angus	52
Short rib 'Creek Stone Farm' MB+, 200g, mahamman triniting salsa, marjoram	58
Dry-Aged lamb neck 200g, sweet bread & bean 'abich' slow cooked	38
Charcoal corn fed chicken in grape leaf truffle butter, fig jus	32
Roast monkfish steak, lemon verbena hummus	34
Charcoal halibut fillet, spiced palourde clam pot, rice crisp	35

ADD

roast bone marrow	4ea	chips (v)	4
crispy grain potato (v)	6	spinach mujadra (v)	7
burnt ends mujadra	12	baity gem (v)	6
steamed greens (v)	8		

DRY-AGED BY Jeru.

Ask your server for
our DRY-AGED BY JERU MENU



Please speak to a member of staff for any food allergies or intolerances before ordering. *Note: All optional service charges of 12.5% will be added to your bill. From, this and dairy are used in our kitchen and we can therefore not guarantee that traces of gluten, nuts and dairy can be found in our dishes.



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

Schedule 12
Part A

WARD: West End
UPRN: 100023473522

Premises licence

Regulation 33, 34

Premises licence number:

21/13083/LIPT

Original Reference:

16/01829/LIPN

Part 1 – Premises details

Postal address of premises:

Jeru
11 Berkeley Street
London
W1J 8DS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:30
Sundays before Bank Holidays:	09:00 to 00:00

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

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
Sundays before Bank Holidays:	10:00 to 00:00

The opening hours of the premises:

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Sundays before Bank Holidays:	09:00 to 00:00

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

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

Part 2

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

88 Hudson Ltd
4 Broad Street
Teddington
TW11 8RF

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

09743774

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

Name: Adnan Ozkara

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: LBH-PER-N-0481
Licensing Authority: London Borough Of Hackney

Date: 13 January 2022

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

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. The premises shall 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 for immediate consumption,
 - v) Which do not provide any take away service of food or drink after 23:00, and
 - 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 a substantial table meal 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.
11. Notwithstanding condition 10 above, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar area hatched red on the plan, prior to and after their meal.
12. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (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 any visit by a relevant authority or emergency service.
 - (h) any visit by a relevant authority or emergency service.
17. A noise limiter must be fitted to the musical amplification system set at a level

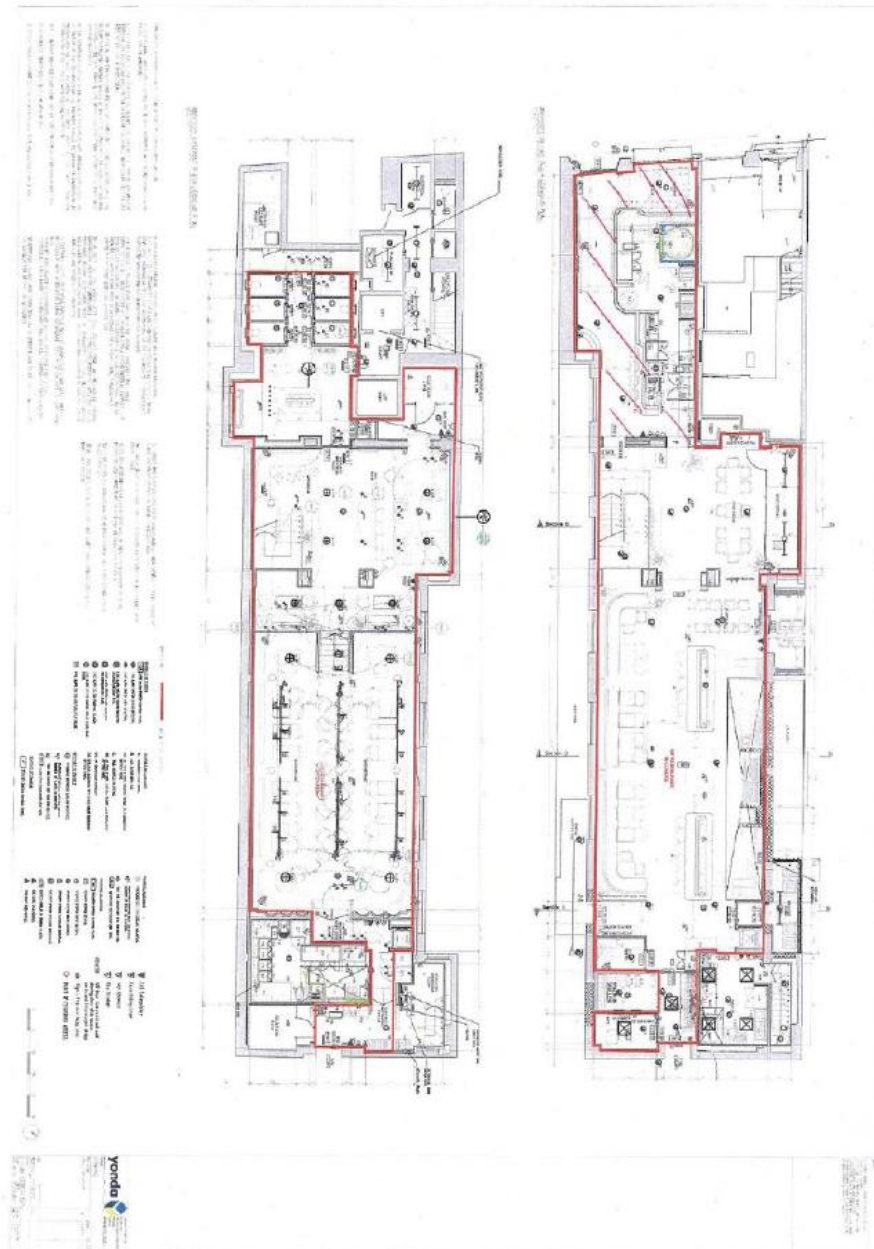
determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

18. 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.
19. 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.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 persons at any one time.
22. 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.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
26. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. 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.
29. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.
For the purpose of this section, 'Directly' means:- employ, have control of or instruct.
'Indirectly' means allowing / permitting the service of or through a third party.
'Specified' Area' means the area encompassed within (insert name of boundary

roads.)

30. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
 - Basement [x - to be determined by the Environmental Health Consultation Team]
 - Ground floor [x - to be determined by the Environmental Health Consultation Team]Subject to an overall maximum of 175 persons at any one time.
31. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
32. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the licensed plan.
33. Support shall be given to the Berkeley Street monitoring scheme that may exist including a material financial contribution to any paid for enforcement scheme.
34. 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.
35. 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. If the manager changes then the name and contact number shall be distributed as soon as possible.
36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
37. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

Annex 4 – Plans





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

Schedule 12
Part B

WARD: West End
UPRN: 100023473522

Premises licence
summary

Regulation 33, 34

Premises licence number:

21/13083/LIPT

Part 1 – Premises details

Postal address of premises:

Jeru
11 Berkeley Street
London
W1J 8DS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:30
Sundays before Bank Holidays:	09:00 to 00:00

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

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
Sundays before Bank Holidays:	10:00 to 00:00

The opening hours of the premises:

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Sundays before Bank Holidays:	09:00 to 00:00

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

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

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

88 Hudson Ltd
4 Broad Street
Teddington
TW11 8RF

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

09743774

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

Name: Adnan Ozkara

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

Restricted

Date: 13 January 2022

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

**Licensing Act 2003 History
Current Premises Licence 21/13083/LIPT**

Application	Details of Application	Date Determined	Decision
16/01829/LIPN	Application for a New Premises Licence – Recorded Music: Monday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 00:00 Sunday 09:00 to 23:30 Late Night Refreshment: Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00 Sunday 23:00 to 23:30 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 23:30	21 April 2016	Granted by Licensing Sub-Committee
21/06277/LIPT	Transfer of Premises Licence Holder from Berkeley Eats Ltd to 11 Berkeley Street Limited	12 July 2021	Granted under Delegated Authority
21/11127/LIPVM	Premises Licence Minor Variation – Layout Changes	26 October 2021	Granted under Delegated Authority
21/11855/LIPDPS	Premises Licence Change of DPS	15 November 2021	Granted under Delegated Authority
21/13083/LIPT	Transfer of Premises Licence Holder from 11 Berkeley Street Limited to 88 Hudson Ltd	30 November 2021	Granted under Delegated Authority

There is no appeal history for the premises.

Licensing Act 2003 History
Shadow Licence 21/06202/LIPN

Application	Details of Application	Date Determined	Decision
21/06202/LIPN	Premises Licence Shadow Licence	11 November 2021	Granted by Licensing Sub-Committee

There is no appeal history for the premises.

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
21/13047/LITENP	Temporary Event Notice	4 December 2021	Notice Granted
21/13050/LITENP	Temporary Event Notice	17 November 2021	Notice Refused
21/13124/LITENP	Temporary Event Notice	21 December 2021	Notice Granted
21/14703/LITENP	Temporary Event Notice	4 January 2022	Notice Granted
21/14704/LITENP	Temporary Event Notice	4 January 2022	Notice Granted
22/00057/LITENP	Temporary Event Notice	11 January 2022	Notice Granted
22/00237/LITENP	Temporary Event Notice	20 January 2022	Notice Granted

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. Except for the ground floor bakery hatched area the premises shall 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 takeaway service of food or drink for immediate consumption,
- v) Which do not provide any takeaway service of food or drink after 23:00, and
- 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 a substantial table meal 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.

10. Notwithstanding the above condition, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar area hatched red on the plan, prior to and after their meal.
11. The supply of alcohol for consumption on the premises within the ground floor bakery hatched area shall only be to persons seated.
12. 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.
13. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23:00 hours.
14. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
15. There shall be no supply of alcohol for consumption 'Off' the premises after 23.00 hours.
16. 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 and will include the external area immediately outside the premises entrance. 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.
17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
18. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
19. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 persons at any one time.
20. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the licensed plan.

21. Patrons permitted to temporarily leave and then re-enter the premises at ground floor level, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
22. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
23. 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.
24. After 21.00 hours each day there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
25. After 21.00 hours at least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
26. 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 regarding crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
27. 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.
28. External doors shall be kept closed after 23.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
29. Loudspeakers shall not be located in the entrance lobby or outside the premises building, including any external terraces.
30. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
31. A direct telephone number for the duty 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.

32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
34. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
35. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
37. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
38. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
39. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
40. 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.
41. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
42. With the exception of fresh produce, deliveries to the premises shall only take place between the hours of 07:30 and 12:00 hours (midday) Monday to Saturday and between 09:00 and 12:00 hours Sundays and Bank Holidays.
43. 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.
44. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
45. No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
46. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

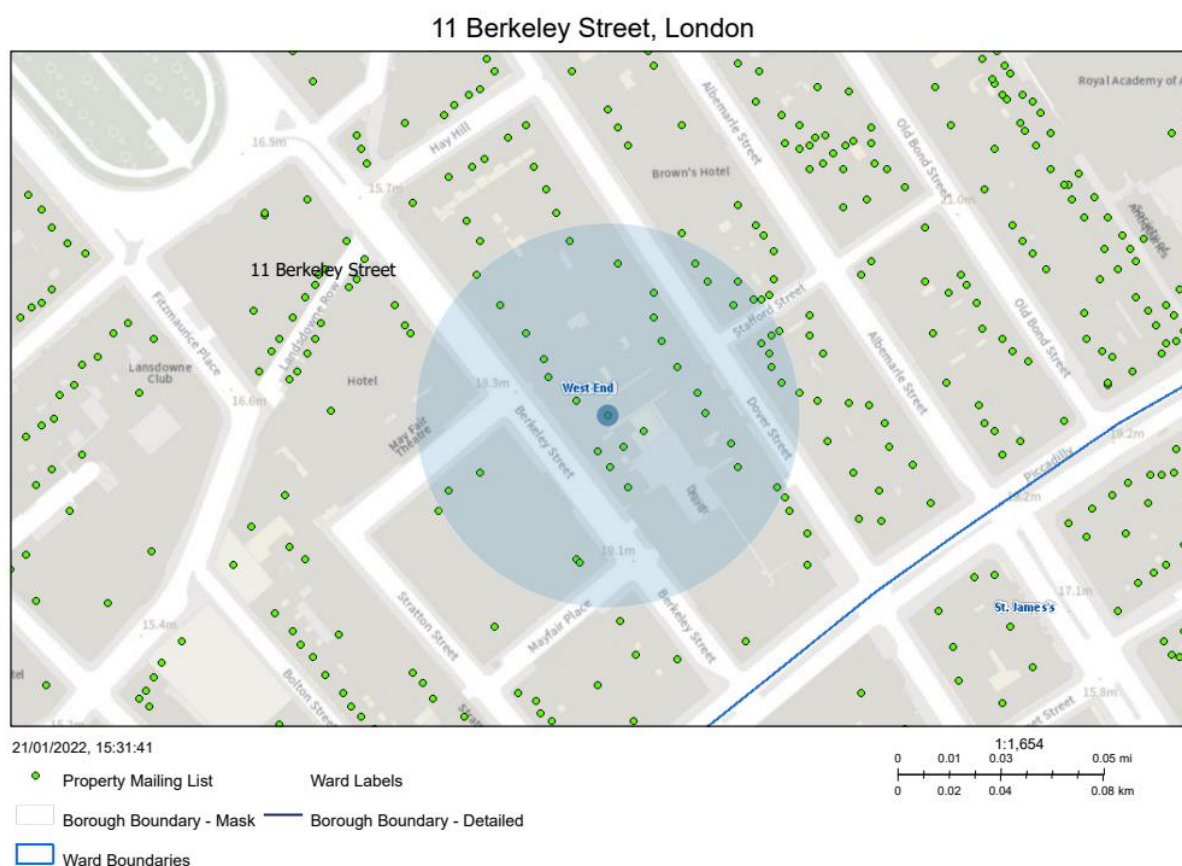
47. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions proposed by the Environmental Health

None

Conditions proposed by the Police

None



Resident Count = 49

Licensed premises within 75 metres of 11 Berkeley Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/06202/LIPN	Not Recorded	Ground Floor 11 Berkeley Street London W1J 8DS	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
21/13083/LIPT	Jeru	11 Berkeley Street London W1J 8DS	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:00
21/06314/LIPVM	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Club or institution	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00

				Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00
12/07557/LIPDPS	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Club or institution	Monday to Sunday; 00:00 - 00:00 Monday to Sunday; 08:30 - 03:30
21/14245/LIPRW	Il Borro	Ground Floor 15 Berkeley Street London W1J 8DY	Restaurant	Monday; 09:00 - 02:30 Tuesday; 09:00 - 02:30 Wednesday; 09:00 - 02:30 Thursday; 09:00 - 02:30 Friday; 09:00 - 02:30 Sunday; 12:00 - 00:00
20/04244/LIPVM	Luxx	15 - 16 Berkeley Street London W1J 8DY	Restaurant	Monday; 09:00 - 03:30 Tuesday; 09:00 - 03:30 Wednesday; 09:00 - 03:30 Thursday; 09:00 - 03:30 Friday; 09:00 - 03:30 Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00
20/02729/PREAPM	Not Recorded	Basement To Second Floor 15 Berkeley Street London W1J 8DY	Not Recorded	
16/00681/LIPV	Novikov	50A Berkeley Street London W1J 8HA	Office	Monday to Sunday; 07:00 - 02:00
21/06047/LIPCH	Bagatelle	Basement And Ground Floor Dover House 34 Dover Street London W1S 4NG	Restaurant	Monday; 09:00 - 01:00 Tuesday; 09:00 - 01:00 Wednesday; 09:00 - 01:00 Thursday; 09:00 - 01:00 Friday; 09:00 - 01:00 Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:30
20/03366/LIPT	Holiday Inn Mayfair	3 Berkeley Street London W1J 8NE	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
20/07486/LIPDPS	Park Chinois	Basement And Ground Floor 17 Berkeley Street London W1J 8EA	Restaurant	Sunday; 10:00 - 00:00 Monday to Saturday; 08:00 - 02:00

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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