



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 15 September 2022**

Time: **10.00 am**

Venue: **This meeting will be an MS Teams Virtual Meeting**

Members: **Councillors:**

Judith Southern
Jim Glen
TBC

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk **Tel:** 07790980186
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. THE NAGS HEAD, 10 JAMES STREET, COVENT GARDEN, WC2E 8BT

(Pages 1 - 48)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James * West End ** None	The Nags Head 10 James Street Covent Garden WC2E 8BT	Premises Licence Variation	22/06375/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

Stuart Love
Chief Executive
7 September 2022

Procedure for virtual hearings held under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

Accessing virtual hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

Final Submissions before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically **no later, than 5.pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application. Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), **must** be submitted to the Licensing Service by **no later than 12 noon 3 working days** before the hearing is due to take place. The Licensing email address is: Licensing@westminster.gov.uk.

Rules during Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- All parties wishing to participate in the hearing **must** register their wish to participate in the hearing and provide their email addresses to the **Licensing Service at Licensing@westminster.gov.uk** no later than **12 noon on the Monday before** the Thursday hearing is scheduled to take place.
- All parties **should join the virtual hearing at least 15 minutes before the advertised start time** to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- All parties must only address the hearing when invited to do so by the Chairman.
- All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- All parties are asked to keep their comments as succinct as possible.
- If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

Procedure

1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
2. The Chairman will confirm the procedure that the hearing will follow.
3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
5. Each party who has registered to speak, will be invited to make their representations and will be allowed **a maximum of 10 minutes each**. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
 - a. The applicant
 - b. Responsible authorities
 - c. Other persons

7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.
8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than **5 minutes each**, in the following order:
 - a. Responsible authorities
 - b. Other persons
 - c. The applicant
10. The Chairman shall then **close the meeting** and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision (“Summary Decision”) will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated 15 April 2020

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

Policy Considerations

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 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

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: 12:00 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 Report

Agenda Item 1.

Item No:	
Date:	15 September 2022
Licensing Ref No:	22/06375/LIPV - Premises Licence Variation
Title of Report:	The Nags Head 10 James Street Covent Garden London WC2E 8BT
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	24 June 2022		
Applicant:	Mcmullen And Sons Limited		
Premises:	The Nags Head		
Premises address:	10 James Street Covent Garden London WC2E 8BT	Ward:	St James's
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	The premises currently operates as a pub consisting of a bar on the ground floor and bar/restaurant on the first floor.		
Variation description:	<p>This variation seeks the following:</p> <ul style="list-style-type: none"> To remove conditions 11, 14 & 21 To vary conditions 13, 16 & 20 To extend the terminal hour for the Retail Sale of Alcohol from 23:00 to 23:30 Monday to Thursday To increase the capacity of the first floor bar to 100 (excluding staff) <p>The amendment of condition 13 would allow the first floor to operate as a pub/bar up until 21:00 and after to diners and persons attending a pre-booked function.</p>		
Premises licence history:	The premises has had the benefit of a premises licence since 2005. The current premises licence (16/00871/LIPRW) can be viewed at Appendix 2 of this report along with the premises history.		
Applicant submissions:	<p>The applicant has provided the following supporting documents which can be found at Appendix 1.</p> <ul style="list-style-type: none"> Pre-Application Advice report Mediation letter to the interested parties 		
Applicant amendments:	<p>Condition 20 was originally proposed to be removed but it is now being amended which is reflected within this report and the variation description box above. The applicant has also amended the proposed variation to Condition 16.</p> <p>Full details can be seen at 1-D.</p>		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground and First 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	10:00	23:00				
Seasonal Variations/ Non-standard timings:	Current: Christmas Eve: 10:00 to 01:00				Proposed: No change	

Playing of Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No change		Ground and First Floor	No change
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				
Seasonal variations/ Non-standard timings:	Current: N/A				Proposed: N/A	

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No change		Ground and First Floor	No change
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				
Seasonal variations/ Non-standard timings:	Current: N/A				Proposed: N/A	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Ground and First Floor	No change
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday	N/A	N/A				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Christmas Eve: 23:00 to 01:00			No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	10:00	23:30	Ground and First Floor	No change
Tuesday	10:00	23:00	10:00	23:30		
Wednesday	10:00	23:00	10:00	23:30		
Thursday	10:00	23:00	10:00	23:30		
Friday	10:00	00:00	10:00	00:00		
Saturday	10:00	00:00	10:00	00:00		
Sunday	10:00	23:00	10:00	23:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Christmas Eve: 10:00 to 01:00			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:30	No change		Ground and First Floor	No change
Tuesday	08:00	23:30				
Wednesday	08:00	23:30				
Thursday	08:00	23:30				
Friday	08:00	00:00				
Saturday	08:00	00:00				
Sunday	08:00	23:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Christmas Eve: 08:00 to 01:00			No change	

1-C Layout alteration
No layout change is proposed.

1-D Conditions proposed to be varied	
Condition	Proposed variation
13. The supply of alcohol on the first floor of the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.	13. After 21:00 hours each day on the first floor: a) the sale of alcohol shall be by waiter/waitress service and shall only be to persons seated taking a table meal there for consumption by such person as ancillary to their meal with the exception of, b) Persons waiting to dine or who have dined, (up to a maximum of 10), may be supplied with alcohol in the designated bar area marked on the plan; or c) Persons attending a pre-booked private or corporate function. The alcohol service shall be by way of waiter, waitress or bar service
16. The number of persons permitted on the first floor of the premises at any one time (excluding staff) shall not exceed 60 persons.	16. The number of persons permitted on the first floor of the premises until 21:00 hours each day (excluding staff) shall not exceed 80 persons. After 21:00 hours each day the number of persons on the first floor shall not exceed 60 persons (excluding staff).
20. No one is to drink outside after 23:00.	No one is to drink outside after 23.30.

1-D Conditions proposed to be removed	
Condition	
11. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies: (a) He is the child of the holder of the premises licence. (b) He resides in the premises, but is not employed there. (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress. (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.	
14. The supply of alcohol on the first floor shall be by waiter or waitress service only.	
21. No one is to be admitted to the premises after 23:00.	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Karyn Abbott
Date:	21 July 2022

I write in relation to the application submitted for a variation of the premises licence for 10 James Street, London, WC2E 8BT.

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

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

The application seeks the following variations:

The removal / variation of the following conditions on the premises licence:

Remove Condition 11 –
No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
(a) He is the child of the holder of the premises licence.
(b) He resides in the premises, but is not employed there.
(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

Vary Condition 13 from -
The supply of alcohol on the first floor of the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

To

After 21:00 hours each day on the first floor:
a) the sale of alcohol shall be by waiter/waitress service and shall only be to persons seated taking a table meal there for consumption by such person as ancillary to their meal with the exception of,
b) Persons waiting to dine or who have dined, (up to a maximum of 10), may be supplied with alcohol in the designated bar area marked on the plan; or
c) Persons attending a pre-booked private or corporate function. The alcohol service shall be by way of waiter, waitress or bar service

Remove Condition 14 -

The supply of alcohol on the first floor shall be by waiter or waitress service only.

Vary Condition 16 from –

The number of persons permitted on the first floor of the premises at any one time (excluding staff) shall not exceed 60 persons.

To

The number of persons permitted on the first floor of the premises until 21:00 hours each day (excluding staff) shall not exceed 100 persons. After 21:00 hours each day the number of persons on the first floor shall not exceed 60 persons (excluding staff).

Remove Condition 20 –

No one is to drink outside after 23:00.

Remove Condition 21 –

No one is to be admitted to the premises after 23:00.

To increase the hours of trading Monday to Thursday to 23.30 hours

To increase the capacity of the first-floor bar to 100 (excluding staff)

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely HSR1, CIP1 and PB1.

The Licensing Authority note that the applicant proposes to amend condition 13 so before 9pm there will be no ancillary nature to the way in which alcohol is served at the premises and as such the application must be considered under the Westminster's PB1 Policy. PB1 Policy (B) states

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.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
2. 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.
3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.

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.

Paragraph F93 goes on to say If the premises, to which the application relates is located within the West End Cumulative Impact Zone it is likely to add to the cumulative stress in that area. On this basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the West End Cumulative Impact Zone should be limited to exceptional circumstances.

The Licensing Authority encourages the applicant to provide further submissions as to how the supply of alcohol will be monitored and controlled before 9pm on the first floor i.e. will this be way of vertical drinking bar?

The Licensing Authority also has concerns that the applicant is proposing to remove condition 20 below so patrons can drink outside after 23:00 and would encourage the applicant to provide

further submissions as to why the below condition is proposed to be removed?

'No one is to drink outside after 23:00.'

The Licensing Authority would like further submissions on the above to be able to assess the application against any further relevant policy considerations.

The Licensing Authority encourages the applicant to provide further submissions as to how the increase in capacity before 21:00 on the first floor and varying/removing conditions will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

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

Please accept this as a formal representation.

Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 18 July 2022</i>)
Representative:	PC Dave Morgan
Received:	14 July 2022

With reference to the application for The Nags Head, 10 James Street, Covent Garden, London, WC2E 8BT - 22/06375/LIPV, 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, it would undermine the Licensing Objectives, namely the Prevention of Crime and Disorder.

Although, we are not totally opposed to the application, there are a couple of extra conditions that I would like to see placed on the licence which I have attached to this email.

Please let me know if you are happy to accept these, or if you wish to discuss them further.

Following agreement of conditions, The Metropolitan Police Service withdrew their representation on 18 July 2022.

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	21 July 2022		

[REDACTED] and I have read the application by MacMullen and sons Lt. to change the licensing our at the Nags Head.

I wish to object very strongly to the proposed extension of the licence. Unusually there are two pubs opposite each other in this section of James St., the Nags Head and the White Lion. There has always been the noise of drinkers in the street and this has been a constant source of stress to those living in this house. Since the Covid pandemic drinking at tables and chairs has been allowed in the street outside both bubs and the volume of noise has increased considerably. It sometimes sounds as if an endless party is going on in the street outside. The volume of noise can be very loud with drunken singing, shouts and laughter, especially at weekends.

The drinkers continue to hang out and make noise for an hour or so after closing time. If the

licensing hours are extended to 11.30 pm, 12.00 pm and 01.00 am (Christmas eve) as indicated in the application the noise would continue until after midnight. This would be intolerable.

The two pubs have become a pilgrimage point for noisy drunken crowds of football supporters, sometimes numbering hundreds, who pack the entire street making it impossible for people to walk from the tube station to the Piazza. After they have left the street is carpeted with broken glass, beer cans and spilled beer.

Because of the location and the large numbers of visitors huge quantities of beer are consumed at the two pubs. There are up to four beer deliveries each week in the early morning (at 7.00 am at the Nags Head and 6.00 am at the White Lion). This work is very noisy with aluminium beer kegs being thrown out of the delivery trucks, rolled along the pavement and down into the basements of both pubs.

Anything to mitigate the noise in this street would be welcome.

Further submissions received from the interested party on 12 August 2022:

First I would like to complain about the short notice for residents to raise objections to the application as some of us were away in June/July. Secondly the limit to the number of words allowed to raise objections on your website prevented me making a fuller statement. There was more I wanted to say but there was no space.

Some additional points:

The noise of drinkers in the street means we have to keep the windows closed to cut out the sound especially during hot weather when we need more ventilation.

The noise of regular glass collections from the two pubs is also very disturbing.

Layer upon layer of noise pollution from the two pubs has been building up steadily and incrementally over the years. We do not want this to continue.

I would like to mention, not connected to the McMullen application for the Nags Head, that when beer deliveries to the White Lion are taking place at 6.00 am the vibrations caused by beer kegs being rolled down into the basement can be felt throughout [REDACTED], often waking us up.

There is increasing scientific evidence that persistent loud noise causes stress and ill health and there has been much discussion and comment on this subject in the media recently. We have a statutory right to the quiet enjoyment of our homes. The excessive noise from the two pubs at the top end of James St. prevents this and causes us a great deal of stress. We have videos and sound recordings to support our claims.

Clearly the pubs and brewers are commercial operations only interested in profit and in increasing those profits without considering the impact on the lives of local residents. I should point out that the UK Govt. Environment Agency defines a statutory nuisance as something that:

1. Unreasonably and substantially interferes with the use and enjoyment of a home.
2. Injures health or is likely to injure health.

To refresh your memory here is my online statement to Westminster city Council objecting to the extension of the licence at the Nags Head:

"[REDACTED] and I have read the application by McMullen and Sons Ltd. to change the licensing hours at the Nags Head.

I wish to object very strongly to the proposed extension of the licencing hours at the pub. Unusually there are two pubs opposite each other in this section of James St., the Nags Head and the White Lion. There has always been the noise of drinkers in the street and this has been a constant source of stress to those living in this house. Since the Covid pandemic drinking at tables in the street outside both pubs has been allowed and the volume of noise has increased considerably. Residents were not consulted. It sometimes seems as if an endless party is going on in the street outside. The volume of noise can be very loud with drunken singing, shouts and laughter, especially at weekends.

The drinkers continue to hang out and make noise in the street for an hour or so after closing time. If the licensing hours are extended to 11.30 pm, 12 am and 01.00 am (Christmas eve) as indicated in the application the noise will continue until after midnight. This would be intolerable.

The two pubs have also become a pilgrimage point for noisy, drunken football supporters, sometimes numbering hundreds, who pack the entire street making it almost impossible for people to walk from the tube station to the Piazza. Unbearable noise. After they have left the street is carpeted with broken glass, beer cans and spilled beer.

Because of the location and the large numbers of visitors to Covent Garden huge quantities of beer are consumed at the two pubs. There are up to four beer deliveries every week in the early morning (at 7.00 am at the Nags Head and 6.00 am at the White Lion). This work is very noisy with aluminium beer kegs being thrown out of the delivery trucks and rolled along the pavement and down into the basements of both pubs”.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	05 July 2022		

This is an application to vary the licence for the Nags Head, a public house (ground floor) and restaurant (1st floor) situated on James Street within the West End CIZ.

The variation seeks to do the following

1. Extend the hours for the sale of alcohol Monday to Thursday to 23:30 (from 23:00)
2. Increase the capacity on the first floor to 100
3. Remove condition 11 – no one under 14 in bar area
4. Remove condition 13, 14 – which make the 1st floor a restaurant (table meal and waiter/waitress service)
5. Remove condition 16 which sets capacity of 1st floor at 60
6. Remove condition 20 which states that there should be no customers outside after 23:00
7. Remove condition 21 which makes last entry at 23:00 on all days of the week.

The [REDACTED] does **not** object to items 1 (extension Monday to Thursday), 11 (removal of restriction for children) and 7 (removal of last entry time – subject to retention of condition 20 see discussion below).

We **do** object to the remaining proposed changes because we believe that they will fail to support the Licensing Objective of the Prevention of Public Nuisance both from the premises itself and also in the wider CIZ in which it is situated.

The combination of items 2, 4, 5 on the list above - removal of the capacity condition (or its increase to 100 people) and the removal of the conditions related to the use of the 1st floor as a restaurant has the effect of turning a 60 capacity restaurant into a 100 capacity bar where

vertical drinking can take place. If the 1st floor of the premises had a separate licence then this proposed variation would be decided under Policy PB1 and would be very likely to be refused.

Changing the nature of the 1st floor premises from a restaurant to a bar will add to the number of people drinking (without eating) within the CIZ and hence will add to the level of Public Nuisance in the area as they leave the premises.

As we said in our response to the Minor Variation Application (21/09209/LIPVM) we would not object to a limited number of people (15) on the first floor drinking without the table meal condition but they should be seated, supply of alcohol should be by waiter/waitress service and this relaxation of the condition should end at 23:00 on any day.

We also object to the removal of condition 20. Although James Street has commercial premises at ground floor level it does have residential occupiers on the upper floors of some buildings. It is also the main route from the Piazza to the Underground Station. Permitting customers to continue to drink outside until 00:00 on Friday and Saturday will mean that the premises will attract people to enter for a last drink before leaving the CIZ. As stated in SoLP Paragraph B5

“The effective dispersal of customers both from premises and from the Cumulative Impact Areas is regarded by the Licensing Authority as a key principle of its policy to promote the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety.”

Allowing customers to drink outside after 23:00, combined with the removal of the last entry condition, will encourage additional people to stay within the CIZ for a last drink.

The removal of the last entry condition could have a similar impact, but we believe that this will be smaller than if it is combined with outside drinking and so we do not object to the removal of condition 21. However if the Licensing Authority was minded to remove condition 20 and so allow outside drinking after 23:00 then we believe the last entry condition should be retained rather than removed.

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
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 applications.

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:

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.

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>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy PB1 applies</p>	<p>A. Applications outside the West End Cumulative 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 meet the definition of a Public House or Bar in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 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. <p>C. The applications referred to in Clause B1 and B2 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, and/or, 2. 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. 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D. <p>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.</p>

4. Equality Implications

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

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

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

5. Appendices

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

Report author:	Miss 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	The Licensing Authority representation	21 July 2022
5	Metropolitan Police Service representation	14 July 2022
6	Interested party representation 1	21 July 2022
7	Interested party representation 2	05 July 2022

Pre-Application Advice report



City of Westminster

Office Name: Ian Watson
Designation: Senior Practitioner
Environmental Health (Licensing)
Date: 15/02/22
Contact number:
Email:
 iwatson@westminster.gov.uk
Signed: Ian Watson
Uniform Ref Number:
22/00811/PREAPM

Trading name of business and Address: The Nag's Head PH, 10 James Street, WC2E 8BT Reference Number if Applicable: 22/00811/PREAPM		
Premises Licence: Yes 16/00871/LIPRW	Applicant/Solicitor: Sandra Sheahan McMullens	Cumulative Impact Zone: Yes
Type of Business: Public House and Restaurant Current Activities: Supply of Alcohol, Late-Night Refreshment, Private and Regulated Entertainment Current Alcohol Hours: Sunday to Thursday 10.00 to 23.00 hours, Friday and Saturday 10.00 to 00.00 (Midnight). New Year's Eve end of permitted hours to start of permitted hours on New Year's Day.		
<p>Pre application advice purpose: To assess the proposal of vary or remove conditions 13, 14, 16, 20 and 21 and to increase the hours of trading Monday to Thursday to 23.30 hours. The conditions to be varied or remove direct the current trading style of the premises, especially in relation to the first floor.</p> <p>There will be no change to the premises licensable activities.</p> <p>Issues discussed and actions taken:</p> <p>Proposal discussed with Ian Watson (Environmental Health – EH) to check the history of the premises and assess against policy.</p> <p>The findings are detailed below.</p> <p>Proposed changes:</p> <p>Condition 13 and 14 dictate how alcohol will be supplied on the first floor of the premises and advice is sought on whether the provision of a substantial meal could be removed at an earlier hour or when the premises are hosting a pre-booked function.</p> <p>The conditions state,</p>		

13. The supply of alcohol on the first floor of the premises shall only be to persons seated taking a table meal there and for consumption by such person as ancillary to their meal.

14. The supply of alcohol on the first floor shall be by waiter or waitress service only.

Condition 16 restricts the number of persons permitted on the first floor (excluding staff) to 60 persons. The premises would like this capacity to be increased to 100 persons to apply before 21.00 hours each day.

To remove conditions 20 and 21 as they potentially restrict trade at the premises.

To increase the licensable hours Monday to Thursday from 23.00 hours to 23.30 hours in line with Westminster's Core Hours.

History

Historically these premises only traded the ground floor but then carried out changes to the first floor to allow trading and a variation of the licence was applied for, 14/11065/LIPV. At that time Environmental Health and a local resident objected to the first floor being drinks led and policy supported this. Therefore, the first floor was conditioned where alcohol was ancillary to a table meal, subject to a capacity of 60 persons.

Capacity

The premises licence has a stated capacity for the first floor of 60 persons excluding staff and this will be varied to 100 persons. The premises have a protected accommodation staircase as well as a secondary means of escape. Therefore, a capacity of 100 persons would not impact on Public Safety.

Nuisance

A check of the premises file does not indicate any history of complaints regarding noise nuisance or adverse licensing compliance visits.

Licensing Policy:

The premises are located within the West End Cumulative Impact zone and therefore policy PB1 would apply. PB1 B 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.

Section F91 states,

Premises that primarily sell alcohol are likely to have a greater risk of impacting the licensing objectives. Applicants will be expected to describe the operation of their venue and put forward conditions within their operating schedule that would likely reduce the impact of their operation on these objectives.

It is therefore imperative that robust conditions are proposed in support of any variation application that will reduce the impact on the licensing objectives.

It could be argued that the first floor of the premises, due to conditions 13 and 14, does not fall within the definition of policy PB1. Section D states,

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.

This definition would therefore relate to the ground floor only and the variation would be seeking this definition to apply prior to 21.00 hours.

Policy PB1 recognises that incident rates associated with cumulative impact increases rapidly from 21.00 hours.

Section F84. The 2020 Cumulative Impact Assessment identified that incident rates associated with cumulative impact increased rapidly from 9pm. Although there is a general presumption to refuse applications for music and dancing venues within the West End Cumulative Impact Zone under this policy, an exception may be permitted to applications that have a terminal hour of no later than 9pm and meet the other policies within this statement. However, applications that are granted under this exception and then seek a variation to the longer core hours will likely be refused on the grounds that the application will add to cumulative impact and will not promote the licensing objectives.

An application could be drafted in such a way that will allow for bar use prior to 21.00 hours not being subject to any strict food condition but with the remaining sections of the condition still defining the first floor as a restaurant or for pre-booked functions.

Therefore, condition 13 could be varied to read,

13. After 21.00 hours each day on the first floor,
(a) the sale of alcohol shall be by waiter/waitress service and shall only be to persons seated taking a table meal there for consumption by such person as ancillary to their meal with the exception of,
(b) Persons waiting to dine or who have dined, (up to a maximum of 10), may be supplied with alcohol in the designated bar area marked on the plan; or
(c) Persons attending a pre-booked private or corporate function. The alcohol service shall be by way of waiter, waitress or bar service.

Licensable Hours

The Core Hours policy HRS1 states at section A

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.

The core hours for pubs and bars Monday to Thursday are 10.00 to 23.30 hours. So, an application to extend hours to these hours will generally be granted.

Plans

The approved plans attached to the premises licence do not reflect the current layout of the first floor and updated plans will need to be supplied.

Application Type

A variation application can be made to address these changes with the provision of additional conditions to support the licensing objectives and minimise the impact within the cumulative impact

zone.

13. After 21.00 hours each day on the first floor,

- (a) the sale of alcohol shall be by waiter/waitress service and shall only be to persons seated taking a table meal there for consumption by such person as ancillary to their meal with the exception of,
- (b) Persons waiting to dine or who have dined, (up to a maximum of 10), may be supplied with alcohol in the designated bar area marked on the plan; or
- (c) Persons attending a pre-booked private or corporate function. The alcohol service shall be by way of waiter, waitress or bar service.

16. The number of persons permitted on the first floor of the premises before 21.00 hours each day (excluding staff) shall not exceed 100 persons. After 21.00 hours each day the number of persons on the first floor shall not exceed 60 persons (excluding staff).

- The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

The licensing Police will also want,

- 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.
- 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.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment

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

You may also wish to consider.

- A minimum of 1 SIA licensed door supervisors shall be on duty at the premises after 21.00 hours whilst it is open for business and they must correctly display their SIA licence(s) when on duty so as to be visible.
- 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.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 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.

Conclusion

The proposed change of conditions could be addressed by a variation application that would minimise the potential for a raft of conditions being applied to the existing licence. Due to the location of the premises the licensing authority would generally make representation as well as the Police who may just want the crime and disorder conditions added. It may assist the application if you can get letters of support from local residents or the amenity society and Capital and Counties.

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 Authority and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Mediation email to interested parties

From: Sandra Sheahan
To: Ajose-Adeogun, Ola: WCC
Cc: Abbott, Karyn: WCC
Subject: RE: [EXTERNAL] 22/06275/LIPV The Nags Head. Representations
Date: 04 August 2022 12:37:28
Attachments: image001.png

Dear Ola

I would be grateful if you could please forward the following to [REDACTED] – thank You

Dear Sirs

Following your representations regarding our application to vary the premises licence at the Nag’s Head in Covent Garden, please find below our response. On a general note, we do take our responsibilities as a licence holder seriously and to that end, we did seek pre application advice from the City of Westminster Environmental Health Team who provided guidance and we

believe our application is in line with the current licensing policy for Westminster. We have also added two operational conditions following a request from the Police that cover training for our employees in respect of managing major incidents and also to carry out necessary risk assessments for major events. The following amendments etc, have already been forwarded to the licensing team for their consideration. I do hope that the following allows you to consider withdrawing your representations but we would of course be happy to meet you in person at site to discuss this further or answer any other questions you may have via the licensing team.

Kind regards

Sandra Sheahan
Sandra Sheahan | Head of HR
McMullen & Sons | The Whole Hop Brewery | 26 Old Cross | Hertford | SG14 1RD

Increase in capacity to the first floor bar up to 21.00 hours

We do not propose to remove the tables and chairs that are currently used, therefore to take into account the small increase in vertical drinking, we have offered the following amended condition to increase the capacity to 80 rather than 100:

The number of persons permitted on the first floor of the premises until 21:00 hours each day (excluding staff) shall not exceed 80 persons. After 21:00 hours each day the number of persons on the first floor shall not exceed 60 persons (excluding staff).

How the supply of alcohol will be monitored and controlled before 21.00 hours on the first floor
As above, we do not intend to remove the tables and chairs and the application is to give us the option of more flexible trading space up to 21.00 hours only before it reverts to the current licensing conditions, however, we have offered the condition that the upstairs bar would have at least two members of team working both of whom would be trained in licensing legislation.

Removal of Condition 20

Rather than remove this we have offered to change this to “**No one is to drink outside after**

23.30" in line with the application to extend sale of alcohol Monday to Thursday

Beer deliveries

We currently only deliver to the Nag's Head once a week and there are no plans to increase this
– I understand that deliveries are not made before 7.00 am

Crowd control concerns

As mentioned above, we have agreed with the Police the two additional conditions that cover this point.

Outside drinking areas

These are separate temporary licences issued by the City of Westminster and are not part of this application.



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

Schedule 12
Part A

WARD: St James's
UPRN: 100023431049

Premises licence

Regulation 33, 34

Premises licence
number:

16/00871/LIPRW

Original Reference:

05/05362/LIPCV

Part 1 – Premises details

Postal address of premises:

The Nag's Head
10 James Street
Covent Garden
London
WC2E 8BT

Telephone Number: 020 7836 4678

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Exhibition of a Film

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 10:00 to 23:00
Christmas Eve: 10:00 to 01:00

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Christmas Eve:	23:00 to 01:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Sunday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Christmas Eve:	10:00 to 01:00

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1 & 3

The opening hours of the premises:

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	08:00 to 23:00
Christmas Eve:	08:00 to 01:00

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:**

Mcmullen And Sons Limited
26 Old Cross
Hertford
Hertfordshire
SG14 1RD
Electronic Mail : ssheahan@mcmullens.co.uk
Telephone Number : 01992 584 911

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

51456

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

Name: William Buck

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: 05/10129/LIPERS

Licensing Authority: City Of Westminster Council

Date: 26 January 2016

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

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

Monday to Thursday

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

In this condition, permitted hours means:

- (a) Monday to Thursday, other than Christmas Day, 10:00 to 23:00;
- (b) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

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

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

11. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (e) He is the child of the holder of the premises licence.
- (f) He resides in the premises, but is not employed there.
- (g) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (h) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

Annex 2 – Conditions consistent with the operating Schedule

13. The supply of alcohol on the first floor of the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
14. The supply of alcohol on the first floor shall be by waiter or waitress service only.
15. 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.
16. The number of persons permitted on the first floor of the premises at any one time (excluding staff) shall not exceed 60 persons.
17. 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.

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

18. Sale by retail of Alcohol is permitted on Friday to Sunday

- (a) Friday to Saturday 10:00 - 00:00
- (b) Sunday - 10:00 - 23:00
- (c) Christmas Eve 10:00 - 01:00
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

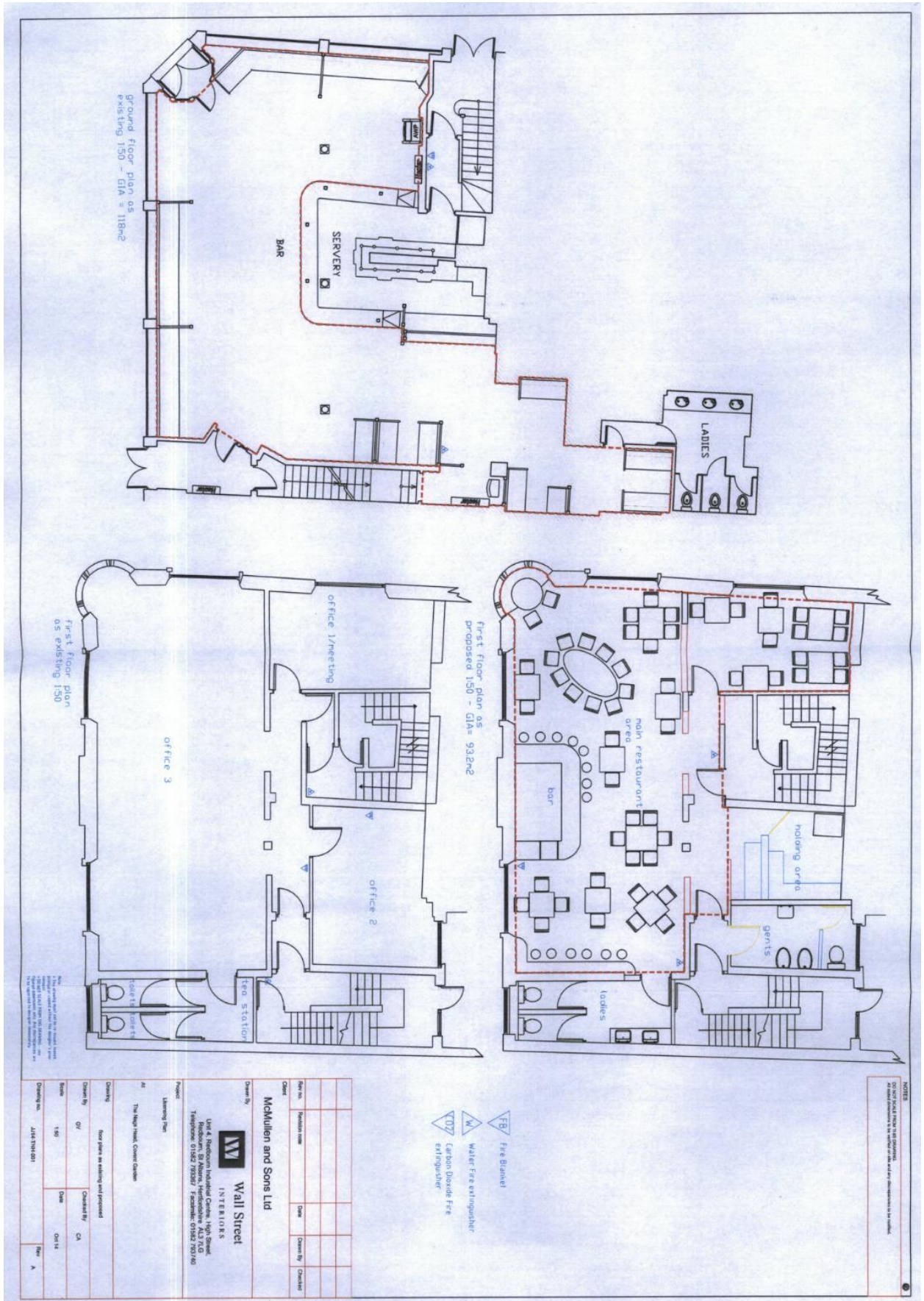
In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

19. The hours set out above are to include a 30 minute winding down time.

20. No one is to drink outside after 23:00.

21. No one is to be admitted to the premises after 23:00.

Annex 4 – Plans





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

Schedule 12
Part B

WARD: St James's
UPRN: 100023431049

Premises licence
summary

Regulation 33, 34

Premises licence
number:

16/00871/LIPRW

Part 1 – Premises details

Postal address of premises:

The Nag's Head
10 James Street
Covent Garden
London
WC2E 8BT

Telephone Number: 020 7836 4678

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Exhibition of a Film

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 23:00
Christmas Eve:	10:00 to 01:00

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Christmas Eve:	23:00 to 01:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Sunday to Thursday:	10:00 to 23:00
Friday to Saturday:	10:00 to 00:00
Christmas Eve:	10:00 to 01:00

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1 & 3

The opening hours of the premises:

Monday to Thursday:	08:00 to 23:30
Friday to Saturday:	08:00 to 00:00
Sunday:	08:00 to 23:00
Christmas Eve:	08:00 to 01:00

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:

Mcmullen And Sons Limited
26 Old Cross
Hertford
Hertfordshire
SG14 1RD

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

51456

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

Name: William Buck

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

Restricted

Date: 26 January 2016

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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/05362/LIPCV	<p>Conversion licence</p> <p>Exhibition of a Film Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 10:00 to 23:00</p> <p>Playing of Recorded Music Unrestricted</p> <p>Late Night Refreshment Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted</p> <p>Sale by Retail of Alcohol Sunday to Thursday: 10:00 to 23:00 Friday to Saturday: 10:00 to 00:00</p>	22.08.2005	Granted under Delegated Authority
07/12017/LIPDPS	Application to Vary the Designated Premises Supervisor	28.01.2008	Granted under Delegated Authority
06/08791/WCCMAP	Master licence	22.08.2005	Granted under Delegated Authority
08/00876/LIPDPS	Application to Vary the Designated Premises Supervisor	19.02.2008	Granted under Delegated Authority
11/11391/LIPVM	<p>Minor Variation</p> <p>To amended the start of the permitted</p>	05.12.2011	Granted under Delegated Authority

	opening hours from 10:00 to 08:00 Monday to Sunday		
14/11065/LIPV	Variation application To vary the layout of the premises to include a new bar/restaurant on the first floor	16.02.2015	Granted under Delegated Authority
16/00871/LIPRW	Removal of a works condition	26.01.2016	Granted under Delegated Authority
21/09209/LIPVM	Minor Variation To remove condition 13 & 14 To amend condition 16 to read: The number of persons permitted on the first floor of the premises at any one time (excluding staff) shall not exceed 100 persons.	29.09.2021	Refused

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
20/10906/LITENP	Temporary Event Notice	27.11.2020	Event allowed to proceed
20/11381/LITENP	Temporary Event Notice	10.12.2020	Event allowed to proceed
20/11387/LITENP	Temporary Event Notice	10.12.2020	Event allowed to proceed
20/11393/LITENP	Temporary Event Notice	10.12.2020	Event allowed to proceed
21/09722/LITENP	Temporary Event Notice	01.10.2021	Event allowed to proceed
21/12330/LITENP	Temporary Event Notice	19.11.2021	Event allowed to proceed
21/12334/LITENP	Temporary Event Notice	19.11.2021	Event allowed to proceed
21/12338/LITENP	Temporary Event Notice	19.11.2021	Event allowed to proceed
21/12340/LITENP	Temporary Event Notice	19.11.2021	Event allowed to proceed

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

Monday to Thursday

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

In this condition, permitted hours means:

- (d) Monday to Thursday, other than Christmas Day, 10:00 to 23:00;
- (e) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (k) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (l) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (m) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (n) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (o) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (p) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (q) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (r) the taking of alcohol from the premises by a person residing there;
- (s) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (t) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

11. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (i) He is the child of the holder of the premises licence.
- (j) He resides in the premises, but is not employed there.
- (k) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (l) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

Condition 11 is proposed to be removed by the applicant.

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

Annex 2 – Conditions consistent with the operating Schedule

- 13. The supply of alcohol on the first floor of the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Condition 13 is proposed to be varied by the applicant to the following:

- 13. After 21:00 hours each day on the first floor:
 - a) the sale of alcohol shall be by waiter/waitress service and shall only be to persons seated taking a table meal there for consumption by such person as ancillary to their meal with the exception of,
 - b) Persons waiting to dine or who have dined, (up to a maximum of 10), may be supplied with alcohol in the designated bar area marked on the plan; or
 - c) Persons attending a pre-booked private or corporate function. The alcohol service shall be by way of waiter, waitress or bar service
- 14. The supply of alcohol on the first floor shall be by waiter or waitress service only.

Condition 14 is proposed to be removed by the applicant.

- 15. 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.
- 16. The number of persons permitted on the first floor of the premises at any one time (excluding staff) shall not exceed 60 persons.

Condition 16 is proposed to be varied by the applicant to the following:

- 16. The number of persons permitted on the first floor of the premises until 21:00 hours each day (excluding staff) shall not exceed 80 persons. After 21:00 hours each day the number of persons on the first floor shall not exceed 60 persons (excluding staff).

17. 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.

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

18. Sale by retail of Alcohol is permitted on Friday to Sunday

(e) Friday to Saturday 10:00 - 00:00

(f) Sunday - 10:00 - 23:00

(g) Christmas Eve 10:00 - 01:00

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

NOTE - The above restrictions do not prohibit:

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

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

19. The hours set out above are to include a 30 minute winding down time.

20. No one is to drink outside after 23:00.

Condition 20 is proposed to be varied by the applicant to the following:

20. No one is to drink outside after 23.30.

21. No one is to be admitted to the premises after 23:00.

Condition 21 is proposed to be removed by the applicant.

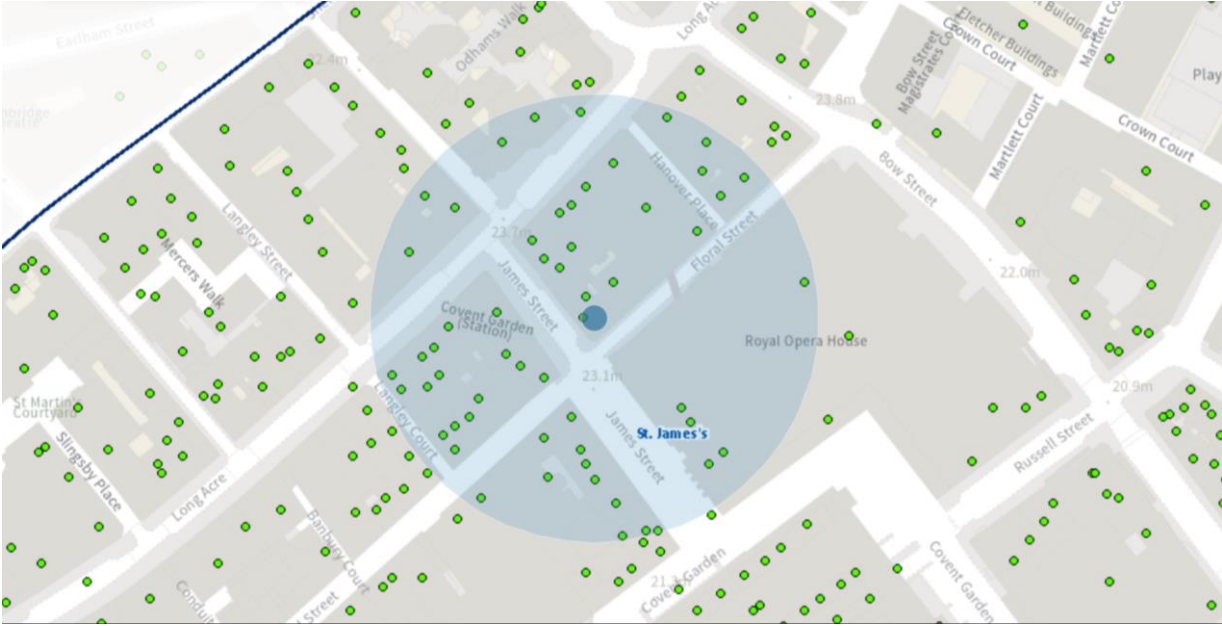
Conditions proposed to be added by the applicant

22. 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.
23. 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.
24. 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.
25. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and business and leave the area quietly.
27. A 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

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

28. The Premises Licence Holder shall risk assess the need for SIA licensed door supervisors to be deployed at the premises, based on a documented risk assessment. A copy of the risk assessment shall be kept at the premises and produced to Police and/or an authorised officer of Westminster City Council on request.

29. Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request. 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.



Resident count: 84

Licensed premises within 75 metres of 10 James Street Covent Garden London WC2E 8BT				
Licence Number	Trading Name	Address	Premises Type	Time Period
16/00871/LIPRW	The Nag's Head	10 James Street Covent Garden London WC2E 8BT	Pub or pub restaurant with lodge	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Christmas Eve; 08:00 - 01:00
22/04552/LIPDPS	Busaba	44A - 44B Floral Street London WC2E 9DA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/08516/LIPDPS	The White Lion	24 James Street Covent Garden London WC2E 8NT	Public house or pub restaurant	Monday; 08:00 - 00:30 Tuesday; 08:00 - 00:30 Wednesday; 08:00 - 00:30 Thursday; 08:00 - 00:30 Friday; 08:00 - 00:30 Sunday; 08:00 - 00:00 Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sundays before Bank Holidays; 08:00 - 00:00
22/07226/LIPDPS	Wahlburgers	8-9 James Street Covent Garden London WC2E 8BH	Restaurant	Sunday; 08:00 - 01:00 Monday to Saturday; 08:00 - 01:30
22/07202/LIPCH	Shadow Licence	8-9 James Street Covent Garden London WC2E	Restaurant	Sunday; 08:00 - 01:00 Monday to Saturday; 08:00 - 01:30

		8BH		
17/03215/LIPVM	Royal Ballet School	Royal Ballet School 46 Floral Street London WC2E 9DA	College of Further Education	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
17/00021/LIPT	Masala Zone Covent Garden	48 - 51 Floral Street London WC2E 9DA	Restaurant	Sunday; 09:00 - 23:30 Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30 Sundays before Bank Holidays; 09:00 - 00:00
16/04643/LIPV	Masala Zone	48 - 51 Floral Street London WC2E 9DA	Restaurant	Sunday; 09:00 - 23:30 Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30 Sundays before Bank Holidays; 09:00 - 00:00
16/01036/LIPDPS	Inamo Restaurant	Ground Floor 11 - 14 Hanover Place London WC2E 9JP	Restaurant	Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 01:30
18/09580/LIPV	Royal Opera House	Royal Opera House Covent Garden London WC2E 9DD	Theatre	Sunday; 09:00 - 00:00 Monday to Saturday; 09:00 - 00:30
06/07969/WCCMAP	The Rock Garden And Gardening Club	6 - 7 The Piazza Covent Garden London WC2E 8HB	Restaurant	Monday to Sunday; 09:00 - 06:00