



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 29 February 2024**

Time: **10.00 am**

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

Members: **Councillors:**

Robert Eagleton (Chair)
Judith Southern
Ed Pitt Ford

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

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am.

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

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

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

Email: sclarke1@westminster.gov.uk
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. MR FOGGS APOTHECARY, BASEMENT, 34 BROOK STREET, MAYFAIR, W1K 3DN

(Pages 1 - 118)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** None	Mr Foggs Apothecary Basement 34 Brook Street Mayfair W1K 3DN	Premises Licence Variation	23/09083/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

2. JERU, 11 BERKELEY STREET, W1J 8DS

(Pages 119 - 162)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** Mayfair	Jeru 11 Berkeley Street W1J 8DS	Premises Licence Variation	23/09171/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

3. HOUSE OF CANS, GROUND FLOOR FRONT, 12 D'ARBLAY STREET, W1F 8DU

(Pages 163 - 224)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * West End ** None	House of Cans Ground Floor Front 12 D'Arblay Street W1F 8DU	New Premises Licence	23/08735/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love
Chief Executive
21 February 2024**

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

Item No:	
Date:	29 February 2024
Licensing Ref No:	23/09083/LIPV – Premises Licence Variation
Title of Report:	Mr Foggs Apothecary Basement 34 Brook Street Mayfair London W1K 5DN
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	13 December 2023		
Applicant:	Brook Street Bar Limited		
Premises:	Mr Foggs Apothecary		
Premises address:	Basement 34 Brook Street Mayfair London W1K 5DN	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises operates as a themed bar / public house.		
Variation description:	This application proposes to vary the wording of conditions 37, 42 and 43 details of which can be seen in section 1D of the report.		
Premises licence history:	The premises has had the benefit of a premises licence since 2022. The current premises licence (24/00115/LIPDPS) and licence history can be viewed at Appendix 3 .		
Applicant submissions:	The applicant submissions can be seen at Appendix 2 and include the following documents: Statement of Charlie Gilkes Premises Presentation Document Dispersal Policy Outdoor Management Policy TEN Schedule Risk Assessment Previous LSC Decision Letters of Support		
Applicant amendments:	None.		

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	07:00	01:30	No change		Basement as shown in plans appended to licence.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday	12:00	23:30				
Sunday						
Seasonal Variations/ Non-standard timings:		Current:				Proposed:
		From the end of permitted hours of New Year's Eve to the start of permitted hours on New Year's Day.				No change

Indoor Sporting Event						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:30	No change		Basement as shown in plans appended to licence.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	23:30				
Seasonal variations/ Non-standard timings:		Current:				Proposed:
		From the end of permitted hours of New Year's Eve to the start of permitted hours on New Year's Day.				No change

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:30	No change		Basement as shown in plans appended to licence.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	23:30				
Seasonal variations/ Non-standard timings:		Current:				Proposed:
		From the end of permitted hours of New Year's Eve to the start of permitted hours on New Year's Day.				No change

Playing of Recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:30	No change		Basement as shown in plans appended to licence.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	23:30				
Seasonal variations/ Non-standard timings:		Current:				Proposed:
		From the end of permitted hours of New Year's Eve to the start of permitted hours on New Year's Day.				No change

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:30	No change		Basement as shown in plans appended to licence.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	23:00	23:00				
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			From the end of permitted hours of New Year's Eve to the start of permitted hours on New Year's Day.		No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:30	No change		Basement as shown in plans appended to licence.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	23:30				
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			From the end of permitted hours of New Year's Eve to the start of permitted hours on New Year's Day.		No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	02:00	No change		Basement as shown in plans appended to licence.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	00:00				
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			From the end of permitted hours of New Year's Eve to the start of permitted hours on New Year's Day.		No change	

1-C	Layout alteration
N/A	

1-D			Conditions being varied, added or removed.		
Condition		Proposed variation			
37. There shall be no admittance or re-admittance to the premises after midnight (00.00 hours) except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).		Condition 37. There shall be no admittance or re-admittance to the premises after 01.00 hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).			
42. SIA licensed door supervisors, (the number to be calculated by way of a written risk assessment), shall be on duty from 18:00 at the premises whilst it is open for business, and they must correctly display their SIA licence(s) when on duty so as to be visible. A copy of the written risk assessment is to be made available to the Metropolitan Police and/or the Licensing Authority on request.		Condition 42. SIA licensed door supervisor(s), (the number to be calculated by way of a written risk assessment), shall be on duty from 18:00 (when required) at the premises whilst it is open for business, and they must correctly display their SIA licence(s) when on duty so as to be visible. A copy of the written risk assessment is to be made available to the Metropolitan Police and/or the Licensing Authority on request.			
43. Notwithstanding the SIA condition above (no 42), at least 2 members of door supervisors shall be on duty at the entrance of the premises and patrolling the outside area on Brook Street from 23:00 hours until 30 minutes after the premises close, to supervise and prevent potential nuisance from customers		Condition 43. Notwithstanding the SIA condition above (no 42), at least 2 members of door supervisors shall be on duty at the entrance of the premises and patrolling the outside area on Brook Street from 23:00 hours until 30 minutes on Fridays and Saturdays after the premises close, to supervise and prevent potential nuisance from customers.			
Adult entertainment:		Current position:		Proposed position:	
		None		None.	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Maxwell Koduah
Received:	28 December 2023
<p>Mr Foggs Apothecary, Basement, 34 Brook Street, Mayfair, London, W1K 5DN</p> <p>I refer to the variation application for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking the following amendments.</p> <p>1. To amend C37 which reads There shall be no admittance or re-admittance to the premises after midnight (00.00 hours) except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call)</p> <p>To</p> <p>There shall be no admittance or re-admittance to the premises after 01.00 hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).</p> <p>2. To amend C42 which reads SIA licensed door supervisors, (the number to be calculated by way of a written risk assessment), shall be on duty from 18:00 at the premises whilst it is open for business, and they must correctly display their SIA licence(s) when on duty so as to be visible. A copy of the written risk assessment is to be made available to the Metropolitan Police and/or the Licensing Authority on request.</p> <p>To</p> <p>SIA licensed door supervisor(s), (the number to be calculated by way of a written risk assessment), shall be on duty from 18:00 (when required) at the premises whilst it is open for business, and they must correctly display their SIA licence(s) when on duty so as to be visible. A copy of the written risk assessment is to be made available to the Metropolitan Police and/or the Licensing Authority on request</p> <p>3. To amend C43 which reads Notwithstanding the SIA condition above (no 42), at least 2 members of door supervisors shall be on duty at the entrance of the premises and patrolling the outside area on Brook Street from 23:00 hours until 30 minutes after the premises close, to supervise and prevent potential nuisance from customers</p> <p>To</p> <p>Notwithstanding the SIA condition above (no 42), at least 2 members of door supervisors shall be on duty at the entrance of the premises and patrolling the outside area on Brook Street from 23:00 hours until 30 minutes on Fridays and Saturdays after the premises close, To supervise and prevent potential nuisance from customers</p>	

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

The application was not accompanied by an appropriate risk assessment to demonstrate that the amendments sought would not lead to increased risk of public nuisance and compromise public safety in the area.

On this occasion, applicant has a responsibility to demonstrate how the proposed amendments would not make the premises a destination premises when most premises in the vicinity limited by the council's core hours are closed.

A last entry time of 01:00 hours for a premises whose terminal hour is 01:30 hours serves no purpose to uphold the licencing objectives.

For the above reasons, I make a representation on ground of public nuisance and public safety risk to the application.

Please contact me if you wish to discuss the above further.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	10 Jan 2024		
<p>My concerns are that this will increase the unsocial behaviour as it will only attract those who are already intoxicated and looking to go for more drinks only.</p> <p>There is also the matter of the security there. They agreed to having two security guards to patrol and control their clients behaviour. This is no longer in place.</p> <p>There is slot he added burden of those leaving their premises and getting Taxi's.</p> <p>This adds to the unsocial behaviour.</p> <p>This in turn will also attract the Pedalo bikes as they hang around places which they know close late to get customers. These bikes also have music blaring out.</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	10 Jan 2024		
<p>I wish to object to this variation application for Mr. Fogg's Apothecary's licence asking to replace condition 37 in order to extend the permitted admittance and re-admittance hours from midnight to 01:00.</p>			

This is the 3rd time we have addressed this same issue. Whatever Mr. Fogg's current stated working practices are, the premises holds 270 people in total. This is not a small number in an area with a number of long-time residents and a growing number of flats.

The corner that Mr. Fogg's occupies is in a very tight space with bedrooms to the right of the entry point up South Molton Lane (and an additional 31 being built), bedrooms to the left of the entry point down Avery Row and bedrooms just across from the entry point along Brook Street. Brook Street itself is now a two-way street with narrow lanes and very little parking, soon to be reduced by the South Molton Triangle project, which jams up regularly when anyone parks at the kerbside and which in turn will force more people and vehicles under residents' homes.

In addition, the entry/exit routes for the nearest tube/bus for this premises are via South Molton Lane or South Molton Street. The Lane is about to be blocked off and South Molton Street is a pedestrian precinct which currently has 26 flats to become 59 by next year. Most of the new flats will back onto South Molton Lane as well.

Nearly all of the flats closest to the bar are occupied by long-time residents. With the best will in the world, having vehicles, parked or waiting, and people, walking or congregating, on these streets in the middle of the night causes disturbance. The later the licence, the worse it gets. Whichever way people exit, they and/or their vehicles will be under bedroom windows in narrow streets where sounds are amplified during the night when ambient noise levels drop.

The later the hour that additional people can enter these premises, the more opportunity for people to move on from premises that close earlier to continue drinking in Mr. Fogg's which is likely to increase late night disturbance. This application is rather ironic as, in their original application for a 2am closing hour, Mr. Fogg's used the argument that it would allow customers to remain in the same venue to finish their night as opposed to moving on to other nearby premises, but they consider that it would now be all right for people to come along from other nearby premises to continue their night in Fogg's.

Further, I thought that the decision to add the additional SIA requirements in the original application was what enabled the Committee to grant the very late hours which they did for these premises, so I'm afraid that I do not understand why these safeguards should now be removed.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	9 Jan 2024		

On behalf of RSMSJ I would like to object to the changes sought on grounds of prevention of public nuisance. There are three changes sought all of which weaken the conditions imposed when the licence was granted for hours beyond core hours a year or so ago. Condition 42 is weakened by the addition of "when required" and condition 43 by only being applicable on Friday and Saturday nights. Neither of these variations is desirable from the public nuisance perspective but the seeking of a later hour for last admissions is even more undesirable.

One of the arguments used by the applicant to justify the originally granted extended hours was that their customers thereby would not go walking the streets looking for somewhere to continue drinking. If that argument was valid then it is a bit disappointing that they now wish to operate in such a way that customers from other premises will walk the streets to come to these premises attracted by the later admission time.

3. Policy & Guidance

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

Hours Policy HRS1 applies

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

	<p>applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>6. Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight. Sunday: Middy to 10.30pm. Sundays immediately prior to a bank holiday: Middy to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p>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 11pm.</p>
<p>Public Houses and Bars 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.

4. Equality Implications

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

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

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

5. Appendices

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

Report author:	Miss Roxsana Haq
Contact:	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Environmental Health Representation	28 December 2023
6	Interested Party 1	10 January 2024
7	Interested Party 2	10 January 2024
8	Interested Party 3	09 January 2024

Mr Fogg's Apothecary

Application for a Variation of a Premises Licence

**(RE: SIA Security subject to Risk Assessment,
and Last entry time. No increase in hours or
Licensable Activities)**

APPLICANT'S SUPPORTING BUNDLE

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Mr Foggs Apothecary

Application for a Variation of a Premises Licence

INTRODUCTORY STATEMENT OF MR CHARLIE GILKES

INTRODUCTION

I am Charlie Gilkes, Co-Founder of Inception Group. My business partner (Duncan Stirling) and I started this business 15 years ago on a self-funded budget of £20,000; opening London's first "speakeasy" themed premises. We have now grown the business to 15 sites, employing over 500 staff. We nearly lost it all during Covid and have been navigating the very difficult trading conditions that persisted since the lockdown, with unprecedented inflation and a cost-of-living crisis that affects our customers, staff and us alike. The working from home trend has meant many Mondays and Fridays are especially quiet, and the sector has been impacted further by train strikes.

GROUP OPERATIONS IN WESTMINSTER

We currently operate the following Premises in Westminster:

- Mr Fogg's Apothecary
Basement, 34 Brook St, London W1K 5DH
- Mr Fogg's Residence
15 Bruton Ln, London W1J 6JD
- Mr Fogg's Secret Garden
15a Bruton Ln, London W1J 6JD
- Mr Fogg's House of Botanicals
48 Newman St, London W1T 1QQ
- Mr Fogg's Hat Tavern & Gin Club

22a Great Chapel St, London W1F 8FR

- Mr Foggs's Tavern & Gin Parlour
58 St Martin's Ln, London WC2N 4EA
- Mr Fogg's Society of Exploration
1A Bedford St, London WC2E 9HH
- Cahoots Ticket Hall & Signal Station
13 Kingly Ct, Carnaby, London W1B 5PW
- Cahoots Underground
Basement, 13 Kingly Ct, Carnaby, London W1B 5PW
- Bunga Bunga
167 Drury Ln, London WC2B 5PG

I am both pleased and proud to say that all of the above operate trouble free!

AWARDS AND OUTREACH

We have won the HOLBA Best Bar None Award.

We were recently Overall Winner (out of just short of 1000 licensees) of the City of London's Safety Thirst scheme.

We support the Westminster Night Stars initiative, and the Women's Night Safety Charter.

We also work with a number of charities:

- Streetsmart - raised +£17k,
- Turkey Red Cross Appeal - raised £10k,
- Pride Charities - raised £6k,
- War Child (Solovey Vodka initiative to aid children in Ukraine) – Ongoing through sales of a specialist cocktail,

THE PREMISES

When we came to this premises, it had fallen on less successful times. In spite of the significant downturn in the UK economy, we invested £1m with the intention of making it a true jewel of Mayfair. In doing so, we created 30 jobs, with most of our workforce living

locally. This was in line with our support of the Westminster City Council job recruitment scheme, and all of our staff benefit from our commitment to pay London living wage as a minimum.

HOW WE OPERATE

Safety

We work closely with Stakeholder Groups (UK Hospitality, British Institute of Innkeeping (BII), BIDs- HOLBA, NEW WEST END COMPANY, FITZROVIA, SOHO BUSINESS ALLIANCE, Safer Business Network.) and have assisted in the steering group to set up the West Fitzrovia BID.

Our venue managers regularly attend local Pub Watches, quarterly MET Police Briefings and local Ward Panels to discuss policing challenges, crime activities and obtain updated training. Through our work with local initiatives, we are able to circulate individuals of concern, or general security concerns through an app provided by Safer Business Network. We also participate in Weekly Operational calls hosted by the BIDs which have key stakeholders such as; Metropolitan Police, Westminster City Council, Safer Business Network in attendance.

Our Front of House team members attend Welfare And Vulnerability Engagement (**WAVE**) **training** which includes the ‘**Ask for Angela**’ safety initiative, aimed to give staff in the hospitality sector the skills to help identify vulnerable people and make appropriate interventions. We also work with our local CTPO (Counter Terrorism Protect Officer) who delivers ACT (Actions Counter Terrorism) and SCAN (See, Check and Notify) training to our team aimed at raising awareness and capability to mitigate the terrorist threat.

Our Group Compliance Manager is a member of the Institute of Licensing and also attends the National Pub Watch Conference, that aims to make the night-time economy a safer place for all to enjoy. We are also a signatory of the Mayor’s Women’s Night Safety Charter.

We’ve recently been selected to participate in the Westminster After Dark Stakeholder Assembly. The Assembly provided a space where residents, businesses, and stakeholders came together to share their perspectives, ideas, and concerns. This was designed to help shape the nighttime strategy, create policy to support and advance the West End from 6pm to 6am, and to ensure Westminster is an inclusive, safe and dynamic city.

PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime & Disorder:

Staff training:

- Our company Induction is conducted upon commencement of employment for all new team members and includes Licensing Law, Alcohol Awareness / Sensible drinking, Violence in the Workplace (to recognise aggressive or suspicious behaviour) & Company Drugs Policy,
- A record is kept of all training on a dedicated online training portal,
- Our DPS is the designated person in charge of company policy, creating a direct link between policy and practice.

Incident & Accidents:

- All accidents and incidents are recorded in the Alert65 platform,
- A full Incident Report or Accident Report would be completed by the Manager on Duty,
- All Management are given full training on Accident Reporting,
- Employees must report ALL incidents. Where necessary, these will be followed by an investigation to determine the cause so as to remedy any faults and prevent reoccurrence,
- We provide free use of phone & support for both victim & witnesses,
- We have a Complaints procedure in place.

Crime Prevention:

- CCTV equipment is in operation covering the main areas within the building including Entry / Exit routes / Fire Escapes. The monitor & recorder is stored in a secure area & out of sight from the public,
- We have restricted access to the system by staff & only Management are allowed to access the system. A daily check is made of the system & a maintenance record for the system is kept online,

- We engage in regular dialogue with local businesses and local community updates ie, Skyline, Safer Westend Partnership. This enables us to be aware of any concerns there may be in the local area.

Public Safety:

- Company Induction is conducted by the site manager to team members upon commencement of employment- covering essential Health & Safety (Food Hygiene, Violence in the Workplace, Fire, First Aid, Manual Handling, Risk Assessments and Company Drug Policy.) We also cover Disciplinary & Grievance Procedures,
- Staff instructed in promoting sensible drinking & Alcohol awareness at the Induction,
- All staff trained in the use of equipment accordingly & training records are kept online,
- Our Health & Safety Officer conducts safety inspections of all areas in accordance with a timetable agreed by Management. Remedial actions as a result of the inspections to correct potentially harmful situations will be carried out when it is reasonably practicable to do so.

The Prevention of Public Nuisance

- Minimise and control noise from customers arriving, outside the premises and departing from it,
- Verbal advice to patrons to encourage them to limit noise as they wait outside and as they leave the premises.
- When it comes to Dispersal – we have a staggered approach, with customers being directed to their homes or nearest public transport away from the Cumulative Impact Zone. The majority of our clients are based locally and walk home, or walk up to Bond Street Tube Station to make their way home.

Protecting Children From Harm

- Induction training incorporates the serving & supervision of person under 18
- Children are not permitted in the bar area,
- Age verification policy implemented in each venue.

WHY THIS APPLICATION:

Security

Our Premises Licence currently states the following:

“42. SIA licensed door supervisors, (the number to be calculated by way of a written risk assessment), shall be on duty from 18:00 at the premises whilst it is open for business, and they must correctly display their SIA licence(s) when on duty so as to be visible. A copy of the written risk assessment is to be made available to the Metropolitan Police and/or the Licensing Authority on request.”

“43. Notwithstanding the SIA condition above (no 42), at least 2 members of door supervisors shall be on duty at the entrance of the premises and patrolling the outside area on Brook Street from 23:00 hours until 30 minutes after the premises close, to supervise and prevent potential nuisance from customers.”

As you can see in the Decision Notice from our initial application hearing, I have always supported the use of SIA Door Staff at this premises:

“...Furthermore, although they have not requested a condition requiring door staff at the premises, they would be happy to commit to having door staff at the premises between the hours of 18:00 until close on Thursday Fridays and Saturdays.”

As required by Condition 42, we have produced a detailed risk assessment as can be seen in the attached bundle. As you will see, our Risk Assessment, based on our customer profile and seasonal variation of attendance numbers, at times identifies a risk-based requirement for and SIA presence, but also at other times, no such requirement.

Our struggle with the conditions falls squarely on Condition 43, as this appears to require us to have a minimum of 2 SIA Door Staff on from 23:00 (this is in effect far earlier as we cannot hire SIA Door Supervisors for less than 5 hours at a time), 7 days a week. This has placed a significant financial burden on the business in some of the hardest times our economy has faced in living memory. Given our commitment to provide security on Thursday, Friday and Saturday, and to assess security provision generally, I and the Fogg’s team would be most grateful if the Committee would please reconsider this requirement.

Last Entry Time

When we were applying for this Licence, we had no trading history at the Premises. In order to address the concerns that local residents had, regarding noise from customers arriving at Fogg's Apothecary in the later hours, I was happy to agree with the EHO, to a "last entry" time of midnight 7 days a week.

Now that we have been trading for over a year and a half, we have been able to identify our customers' patterns of arrival and departure. As I note above, the vast majority of our customers either live locally (and so walk home) or travel by public transport and walk the rest of the way from Bond Street Tube Station. Further, they don't need to queue on the street, given our sizable reception area. As a result, the impact of customers arriving at the Premises is limited.

What we have also noted, is that post-midnight we end up turning away 20 to 30 potential customers, some of whom already have friends inside. They don't understand why we are appearing open online yet can't be admitted which causes confusion and a more protracted conversation on the street. That may not sound like a lot of people, but in these times, we would love to be able to make any potential customer into a friend (and hopefully a repeat customer), rather than have them go elsewhere (most often into Soho and the West End) and have their needs met by another venue.

Charlie Gilkes

20 February 2024

Mr Fogg's Apothecary



Mr Fogg's Apothecary
34 Brook Street

Presentation to Westminster City Council Licensing
Sub-Committee

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The Apothecary Theme

Mr Fogg's Apothecary is the Inception Group's sixth London venue within the award-winning "Mr Fogg's Collection". Each venue seeks to re-create the atmosphere of an abode or place of relaxation where Phileas Fogg Esq would have felt at home (were he not a figment of Jules Verne's imagination). The theme is plush, languid Victoriana. This inspires everything, from the doorman's greeting to guests to the staff and security officers' classical design uniforms, from its decor to the ingredients selected for our compounded libations.

The word 'apothecary' is derived from 'apotheca', meaning a place where wine, spices and herbs were stored. During the thirteenth century it came into use in this country to describe a person who kept a stock of these commodities, which he sold from his shop or street stall.

Apothecary is a mostly archaic term for a medical professional; who formulates and dispenses medicine to physicians, surgeons and patients. The modern chemist has taken over this role.

Victorian druggists ran their profitable businesses from a street shopfront, and like seventeenth-century apothecaries, were involved in the on-site manufacture of their own medicines. They also took on an advisory role for those members of the lower and middle classes who could not afford the expensive care of a physician, but who were literate in the kinds of drugs needed to treat minor ailments. The druggists were entrepreneurial as well as medical, businessmen as well as trained practitioners. They successfully saw and filled a gap in the market left by the transition of the surgeon-apothecary to general practitioner; namely, an opportunity to sell drugs cheaply and undercut the prices charged by this new rank-and-file physician. Broadly, they functioned as a medical "first-port-of-call" for many different social classes.

Mr Fogg's Apothecary showcases the vast array of potions and elixirs that Mr Phileas James Fogg collected whilst on his epic 80 day voyage around the world. Made from plants, powders, saps and antivenoms from all ends of the earth, these are tonics and remedies Fogg swears by for every ailment imaginable and he couldn't be more excited to share these with trusted friends and explorers.

This Application

This application is made to:

- Replace the current requirement to have a minimum of 2 SIA Door Supervisors deployed at Mr Fogg's Apothecary 7 days a week from 23:00 hours until 30 minutes after close, with a requirement to deploy SIA Door Supervisors in line with our Risk Assessment, and
- Extend the "Last Entry" time from Midnight, to 1:30 daily.

In order to ensure the Promotion of the Licensing Objectives, we have developed a risk-assessed method of patron control, that has been successfully tested under Temporary Event Notice trading days.

Biography of Charlie Gilkes and Duncan Stirling



Charlie Gilkes and Duncan Stirling founded Inception Group in 2009 opening London's first speakeasy bar.

Since then they have led a highly regarded and innovative self-funded business with 15 London based sites employing 500 staff. They have been widely profiled in the trade and consumer press and recognised with multiple awards winning 'Best Hospitality Operator' at the London Lifestyle Awards for 3 years in a row, the Sunday Times Fasttrack Award for one of the country's Top 100 fastest growing businesses and a hallowed 'Catey' Award for the most innovative marketing campaign of 2019.

During their 15 years in operation, none of their licences have been reviewed and they have been commended in Kensington and Chelsea Council's 'Best Bar None' Awards for best licensees and came first in the City of London Council's 2019 'Safety Thirst Awards'.

As well as running their business, Charlie has sat on the Philanthropy Board for the Royal Albert Hall for the past 8 years, helping to fundraise for this iconic building and he also supports Maggie's Cancer Care Centres. He has also raised well over £1.5m for charity through organising the biennial Boodles Boxing Ball for a range of charities. Duncan is heavily involved with the charity Dyslexia Action organising events, talks and other fundraising events.

Images of Mr Fogg's Apothecary









Pictures of Mr Fogg's Properties Before Mr Fogg's Has Taken Residency







Examples of Mr Fogg's Other Premises

MR FOGG'S TAVERN IN COVENT GARDEN





MR FOGG'S RESIDENCE IN MAYFAIR:



Mr Fogg's Staff





Events/Talks

Mr Fogg's runs a series of workshops and talks. They have been running for a number of years and seen the likes of Sir Ranulph Fiennes, Bear Grylls, The Tempest Two, Bill Colegrave, Robert Swan OBE, Simon Reeve, The Turner Twins and many more give talks.



Sample Menus



presents

A WORLDLY LIST OF
**MEDICINAL
LIBATIONS**

FOREWORD

*These libations are served exclusively at Mr Fogg's Apothecary.
The most sublime and exotic ingredients from around the world are compounded with
homemade tinctures, infusions and cordials for your pleasure and delight!*

*Neither Phileas J. Fogg, Esq. nor his esteemed associates hold
any formal education or certification regarding the prescription
of medicine or administration of medical advice.*

Any advice enclosed should be treated with healthy scepticism!

P.J.FOGG & CO

GLOBAL MEDICINES



Sort-after & highly celebrated
COUGH CURE & LUNG BALSAM
from the RAINFOREST ROOTS of the
SOUTH AMERICA TROPICS

EXTRACTS FOR EXPLORERS
SELECTED FROM THE
SIBERIAN TUNDRA
Inoculation for any vacation!

BOUNCE BACK WITH MAGIC SAP!
A naturally rubbery liquid of the
CONGOLESE LAIRE BASIN
STRENGTHEN'S WEAK BACKS

LONDON'S WIDEST SELECTION OF
WORLDLY CURE-ALLS

APOTHECARY

for your PARTICULARS



HIGHLY MAGNETISED
INSTANTANEOUS PAIN DEPLETION
previously unique to the
NORTH & SOUTH POLAR REGIONS

THE LATEST IN MEDICAL SCIENCE
STOMACH SOOTHING
Dingo Do Do sourced in
NEW SOUTH WALES

THE DEPENDABLE DRUGGIST'S
TRAVELLER'S BALM
for all atmospheric ailments - found in the
HEIGHTS OF THE HIMALAYAS

PLUS OTHER NEWLY IMPORTED
FANTASTICAL FOREIGN FIXES

Sample Menus



THE TAVERN KITCHEN IS OPEN
EVERY DAY UNTIL 9.31PM

TOP TUCK SMALL BITES

BLUE CHEESE & BEER CROQUETTES

Blue cheese, mozzarella and light blonde beer, coated in a rustic oat-flecked crumb, served with paprika mayonnaise £8.5

V 829kcal

ASPARAGUS TEMPURA

Served with vegan herb mayonnaise £8

V 424kcal

CRISPY FRIED SQUID

Served with sweet chilli sauce and mayonnaise £9

439kcal

KING PRAWN TEMPURA

Served with spicy mayonnaise £9.5

454kcal

PIGS IN BLANKETS

Served with honey & mustard sauce £8.5

415kcal

BUFFALO CHICKEN WINGS

Served with hot sauce or barbecue sauce £9

746kcal

CHUNKY CHIPS & DIPS

Served with mayonnaise and tomato sauce £6.5

V 537kcal

LOADED CHIPS

Chunky chips with cheddar cheese and crispy bacon, served with sour cream sauce and barbecue sauce £9

6,015kcal

gies and intolerances you might have.
n each dish is available upon request.

GROUND ROUNDS TAVERN BURGERS

CLASSIC BACON CHEESEBURGER

Beef burger with cheddar cheese, crispy bacon, lettuce and tomato, served with chunky chips £16

1,911kcal

CHICKEN, CHEESE & BACON BURGER

Deep fried or grilled chicken breast with cheddar cheese, crispy bacon, lettuce and tomato, served with chunky chips £16

1,629kcal

MOVING MOUNTAINS VEGAN BURGER

Award-winning plant-based Moving Mountains burger, lettuce and tomato, served with chunky chips £16

V 1,387kcal

Add vegan cheese +£2 20kcal

PLANKS ALOT SHARING BOARDS

MEZZE BOARD

Grilled mixed vegetables, olives, artichoke hearts, houmous and feta-stuffed peppers, served with toasted flatbreads £22

V 1,204kcal

CHEESE BOARD

Camembert, Danish blue, smoked cheddar and Gruyère, served with biscuits, red onion chutney and grapes £22

V 2,930kcal

CHARCUTERIE BOARD

Prosciutto di Parma, chorizo, Milano salami and honey roast ham, served with cornichons, feta-stuffed peppers and toasted flatbreads £22

1,144kcal

PITSTOP PICNIC £42

PICK ONE SHARING BOARD AND
TWO SIGNATURE COCKTAILS TO ENJOY TOGETHER

NIBBLES

MIXED OLIVES £5 187kcal
ROSEMARY MIXED NUTS £5 48kcal
SMOKED ALMONDS £5 430kcal
CHILLI CORN £5 298kcal
WASABI PEAS £5 358kcal

All **V**

All items include VAT. All items are subject to availability. A discretionary 10% service charge will be added to your bill. Adults need around 2,000 kcal a day. Any kcal value stated refers to the total kcal amount in the whole portion.

BIT OF PUDD

SLICE OF CAKE £7.5

Served with a scoop of vanilla ice cream. Ask your waiter for today's selection.

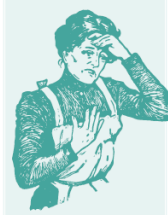
V 611 options available

MEDICINAL LIBATIONS



MELANCHOLY

It is the curious nature of the world encountered that even those of the most well-fortified of resolve may yet find themselves in periods of dour mood and emotional malady. There is nothing so rejuvenating to the affliction of ill humour than a well-administered slug of rejuvenating tonic in fine settings and good company. Imbibe of fine spirit, and be imbued with good cheer.



QUACK'S COMPOUND £16
 REJUVENATING / REFRESHING / FLORAL
 LEMON VERBENA: a reliable rejuvenator for those troubled by overbearing mental strain
Bombay Bramble gin, Essentiae lemon verbena liqueur, fresh lime juice, bergamot syrup and cardamom bitters, topped up with Franklin & Sons rose lemonade

SALVE TO SOOTHE £17
 INVIGORATING / SMOOTH / HERBAL
 DANDELION & BURDOCK: an invigorating tonic against craftsman's ailments, particularly those causing regrettable afflictions of the skin
Volcán de Mi Tierra Añejo Cristalino tequila, Ardberg 10yr Scotch whisky, Hendrick's absinthe, Galliano L'Autentico herbal liqueur, chilli-infused agave syrup and dandelion & burdock bitters

HERBALIST ON BROOK STREET £15
 CURATIVE / AROMATIC / SOUR
 BASIL: a herb imbued with natural oils that are guaranteed to ease the inflammations of the body inflamed by the miasmas of industrial London
Secret Garden Apothecary Rose gin, Lillet Blanc wine-based apéritif, basil remedy shrub, fresh lime juice, rose water and egg white

CHOKE AND SMOKE £15.5
 STIMULATING / VELVETY / COMPLEX
 ARTICHOKE: a vigorous cure-all that enlivens the spirit and encourages fortitude of bone, body and constitution
Woodford Reserve Bourbon whiskey, Cynar artichoke liqueur, chocolate brownie-infused Martini Riserva Speciale Rubino vermouth, Mancino Chinato vermouth and Angostura bitters, topped with a coffee mist

COUNT YOUR BLESSINGS £15
 CALMING / DELICATE / SWEET
 CHAMOMILE: a daily curative for those encumbered by the spectre of the black dog
Bacardi Carta Blanca rum, Martini Riserva Speciale Ambrato vermouth, Chartreuse Yellow herbal liqueur, fresh lemon juice, chamomile tea syrup, egg white and Angostura bitters

Please make staff aware of any allergies and intolerances you might have. A full list of all allergens contained in each cocktail is available upon request.

SIGNATURE COCKTAILS



INDIGESTION

An excitable attitude to consumptive habits is the keystone of a character engorged by fine disposition, moral aptitude and keen judgement of life's blessings. Any affliction to the industries of ingestion are best remedied keenly with concoctions of medicinal flora.



DRAM STOKER £16
 DIGESTIVE / POWERFUL / INDULGENT
 ROSEMARY: an encourager a sanguine disposition through the revitalisation of marrow and spleen
Dewar's 12yr Scotch whisky, Lucano Anniversario amaro, clementine purée, maple syrup, orange & mandarin bitters and fresh rosemary

FRENCHMAN'S CONSTITUTION £35
 REMEDIAL / SMOOTH / EARTHY
 ROOT BITTERS: a calmer of all matters relating to an enlivened digestive tract, whether incurred through richness of palate or discomfort in opposition
Hennessy X.O. cognac, Woodford Reserve Rye whiskey, Carpano Antica Formula vermouth, Grand Marnier orange liqueur and Mr Fogg's Apothecary bitters

BITTER SPILL £17.5
 RESTORATIVE / REFRESHING / AROMATIC
 GENTIAN: an acuous tincture best imbued to encourage voracious appetites in those shy of hearty consumption
Eucalyptus leaf-infused The Botanist gin, Suze gentian liqueur, Nardini Acqua di Cedro lemon liqueur and white Penja pepper cordial, topped up with Moët & Chandon Impérial Blanc N.V. Champagne

FIELDS OF PONTEFRAC £15
 RELIEVING / VIBRANT / HERBAL
 LIQUORICE: an invigorating dropwater administered since time immemorial for the betterment of digestive ailments
Mount Gay Black Barrel Double Cask Blend rum, Jägermeister Manifest liqueur, GIMBER ginger concentrate, fresh lime juice, Mr Fogg's Apothecary molasses and liquorice bitters, topped up with Franklin & Sons brewed ginger beer

NO DELICACY SUCH AS CELERY £15.5
 DETOXIFYING / REFRESHING / DELICATE
 CELERY: a fine source of digestive roughage that ensures clockwork timeliness and an efficient delivery
Tallamore D.E.W. XO Caribbean Rum Cask Finish whiskey and Roots cinnamon liqueur, topped up with homemade celery & green apple soda

All items include VAT. All items are subject to availability. A discretionary 10% service charge will be added to your bill.

MEDICINAL LIBATIONS



DEHYDRATION

There are few states more irritable to the human condition than that of unsatisfactory lubrication. A paucity of liquid throughout the truncus and membra is an inevitable precursor to fogging of the brain, slipperiness of memory and diminishment in propriety. A balancing potation is highly recommended in all cases of affliction, and benefits from a cumulative effect when administered in quick succession.



EYES WIDE OPEN £16
 REGENERATIVE / LIGHT / BITTERSWEET
 HONEY WATER: a powerful hydrating agent capable of engendering alertness of mind and body from dawn till dusk
Beeswax-infused Patrón Reposado tequila, Nixta corn liqueur, honey water, smoked sea salt and Psychaud's Bitters, topped with a lemon mist

HEART OF A REGENT £17.5
 REHYDRATING / LUSCIOUS / CITRUSY
 BERGAMOT: a supporter of a powerful heart, clear of arterial incumbency, inclined towards longevity
Belvedere Organic Infusions Lemon & Basil vodka, Italicus bergamot liqueur and lime & mint sorbet, topped up with Moët & Chandon Impérial Blanc N.V. Champagne

DOCTOR'S LIVELY FIZZ TONIC £15
 REBALANCING / RICH / FRUITY
 KOMBUCHA: a lively fermentable that rebalances a rich tapestry of bodily functions and settles notions of unpleasantness in the palette
Aperol apéritif, Essentiae lemon verbena liqueur, fresh lime juice and raspberry syrup, topped with a rhubarb & white peach Kombucha & passion fruit foam

SHORT SHARP PRICK £16
 REGULATING / INDULGENT / TROPICAL
 PRICKLY PEAR: a reliable quencher that also promotes regularity in the healthy functioning of the pancreas
Volcán de Mi Tierra Blanco tequila, Ancho Reyes Verde chilli liqueur, prickly pear purée, fresh lime juice and agave syrup, topped up with Franklin & Sons pink grapefruit soda

BONE-SETTER £15.5
 REVITALISING / SILKY / HERBAL
 RICE MILK: an imbuer of ensured vitality and lively disposition
Hennessy V.S. cognac, matcha & rice milk, fresh lime juice, coconut water and pandan leaf syrup

Please make staff aware of any allergies and intolerances you might have. A full list of all allergens contained in each cocktail is available upon request.

SIGNATURE COCKTAILS



LETHARGY

Millenia of apothecarial pursuits have garnered current practitioners with bountiful knowledge of curatives for lassitude and enervation. Be it by a combination of forgotten roots and herbs, or through the restorative properties of an exotic bean or spice, a potation can be produced to remedy any exigent occurrence of somnolence or weariness.



TIXYLIX £15
 CURATIVE / DELICATE / CITRUSY
 SAGE: an age-old improver of attentiveness, mood and memory
Sage-infused Bombay Sapphire gin, Calabro fennel liqueur, fresh lemon juice and cough-syrup bursting bubbles

MOTHER'S HELPER £15.5
 ENERGISING / CREAMY / NUTTY
 COFFEE: a potent diminisher of tiredness through the blocking of adenosine receptors, preventing the chemical from exerting its soporific effects
Belvedere vodka, Tia Maria coffee liqueur, Frangelico hazelnut liqueur, Disaronno liqueur, espresso and orgeat syrup, topped with a vanilla & cream cheese foam

SOAKED IN ETHER £16
 BOOSTING / POWERFUL / FRUITY
 GINSENG: an invigorating remedy for the twin maladies of fatigue and insomnia
Eminente Reserva 7yr rum, Evangelista Ratafia cherry liqueur, pomegranate juice, pineapple juice, fresh lime juice and ginseng syrup

HAVING A BLAST £17.5
 ANTIOXIDANT / RICH / BITTERSWEET
 OAK BARK: a deterrent against the rise of vascular improprieties, reducing the appearance and discomfort of inflammation in the veins
Angel's Envy whiskey, Martini Riserva Speciale Bitter apéritif, Montenegro amaro, Martini Riserva Speciale Rubino vermouth and oak bark tea

HIGH ON MY OWN SUPPLY £16
 INVIGORATING / FORTIFYING / ELEGANT
 MIXED SPICES: a potent blend of spices carefully selected to deliver a living dose of vim and vigour
Glenmorangie Original 10yr Scotch whisky, Essentiae peach tree leaf liqueur, fresh lemon juice, spiced Earl Grey tea, apricot jam and honey water

All items include VAT. All items are subject to availability. A discretionary 10% service charge will be added to your bill.

CHAMPAGNE & SPARKLING WINE

For current vintages and further information on our Champagnes, please speak to a member of the household staff

125ml Glass / 750ml Bottle

Moët & Chandon		Veuve Clicquot	
Impérial Blanc NV.	£16.5 £95	Yellow Label NV.	£19 £110
Moët & Chandon		Veuve Clicquot Rosé NV.	£150
Impérial Rosé NV.	£19 £110	Veuve Clicquot Vintage Blanc	£145
Moët & Chandon		Veuve Clicquot Vintage Rosé	£175
Grand Vintage Blanc	£135	Veuve Clicquot La Grande Dame	
Moët & Chandon		Vintage Blanc	£295
Grand Vintage Rosé	£165		
		Ruinart	
Moët & Chandon		Blanc de Blancs NV.	£28 £165
Impérial Blanc NV.	1,500ml Magnum £195	Ruinart Rosé NV.	£29.5 £175
Moët & Chandon		Dom Ruinart	
Impérial Rosé NV.	1,500ml Magnum £250	Vintage Blanc de Blancs	£290
Moët & Chandon			
Impérial Blanc NV.	3,000ml Jiroboom £550		
Moët & Chandon			
Impérial Rosé NV.	3,000ml Jiroboom £750		



KRUG

Now Is An Ordinary Moment in Time

Krug Grande Cuvée

125ml Glass £43

375ml Half Bottle £130

750ml Bottle £255

1,500ml Magnum £650

Krug Vintage

750ml Bottle £410

Krug Rosé

750ml Bottle £550

DOM PÉRIGNON

Dom Pérignon Blanc

125ml Glass £49.5

750ml Bottle £295

1,500ml Magnum £695

Dom Pérignon Rosé

750ml Bottle £550

1,500ml Magnum £1,300

Dom Pérignon Blanc P2

750ml Bottle £600

WINE

BY THE GLASS

175ml Glass / 750ml Bottle / 1,500ml Magnum

WHITE

Domaine Roux Père et Fils, Les Côtilles, Chardonnay, Burgundy, France £9.8 | £40 |
Aromas suggest broom, white rose, acacia, honeysuckle, fern, verbena, lemongrass and citrus fruit.

Spier, Sauvignon Blanc, Stellenbosch, South Africa £10.2 | £42 |
Aromas of full tropical fruit, yellow pepper, and herbal grassiness. The palate shows green pineapple and a good balance of fruit and acidity. Zippy on the finish.

Terrazas, Reserva, Torrontés, Cafayate, Argentina £14 | £58 |
A superbly balanced, aromatic and floral white wine, with a refreshing acidity punctuated by tropical and stone-fruit characteristics.

Cape Mentelle, Sauvignon Blanc-Semillon, Margaret River, Australia £15 | £62 |
Brilliant light hay, with green edges. Fresh green lime, lemon sorbet and crisp cucumber aromas, with hints of freshly-cut lemongrass, pink peppercorn and wisteria blossom.

Cloudy Bay, Sauvignon Blanc, Marlborough, New Zealand £18 | £75 |
A wine full of fresh herbal aromas and layers of ripe guava and tropical fruit.

RED

Domaine Roux Père et Fils, Les Côtilles, Pinot Noir, Burgundy, France £9.8 | £40 |
Red ruby colour, fresh on the nose with notes of red and black fruits.

Tilia, Malbec, Mendoza, Argentina £10.2 | £42 |
Plum, blackberry and dark chocolate flavours with a hint of pepper and spice are all evident on the nose and palate.

Alain Jaume, Haut de Brun, Côtes du Rhône, France £11.5 | £48 |
A beautiful purple-tinged garnet. Aromas range from fresh red berry to assorted spice.

Terrazas, Reserva, Malbec, Mendoza, Argentina £14 | £58 |
Brimming with red fruit, cherry, sour cherry, dried plum and raisin, and permeated by delicate floral scents and touches of toasted vanilla and caramel.

Cloudy Bay, Pinot Noir, Marlborough, New Zealand £20 | £84 |
Opulent aromas of dark plum and cardamom spice are enhanced by the earthy scent of liquorice and a hint of smoked oak.

ROSÉ

Maison Mirabeau, Classic, Côtes de Provence, France £10.2 | £42 |
An elegant pale pink colour. The nose is delicate yet expressive, encompassing red berry, white peach and floral aromas such as rose and jasmine.

Château d'Esclans, Whispering Angel, Côtes de Provence, France £14 | £58 | £120
Enticingly pale in colour. Fresh notes of apple, pink grapefruit, peach and cream, and a long, smooth finish.

DESSERT

100ml Glass / 500ml Bottle

Royal Tokaji, Late Harvest Tokaj, Hungary £12 | £55



BY THE BOTTLE

750ml Bottle

For current vintages and further information on our fine wines, please speak to a member of the household staff

WHITE

FRANCE

Domaine Fouassier, Les Chasseignes, Sancerre Loire, France £55

ITALY

Alois Lageder, Porer, Pinot Grigio Alto Adige, Italy £70

Alois Lageder, Löwengang, Chardonnay Alto Adige, Italy £140

Gaja, Rossj-Bass, Langhe-Chardonnay, Piedmont, Italy £190

THE ANTIPODES

Prophet's Rock, Pinot Gris Central Otago, New Zealand £79

RED

FRANCE

Moulin de La Lagune, Haut-Médoc Bordeaux, France £90

Château Pétrus, Pomerol Bordeaux, France £3,600

ITALY

Villa Belvedere, Amarone della Valpolicella Veneto, Italy £75

Gaja, Costa Russi, Langhe Piedmont, Italy 1,500ml Magnum £980

Ornellaia, Bolgheri Superiore Tuscany, Italy 1,500ml Magnum £1,020

SPAIN

Phincas, Rioja Alavesa Rioja, Spain £80

ARGENTINA

Terrazas, Cabernet Sauvignon Mendoza, Argentina £65

Terrazas, Grand Malbec Mendoza, Argentina £95

ROSÉ

FRANCE

Château d'Esclans, Rock Angel Côtes de Provence, France £75



The Fare









PRESS

The Telegraph



ers and Stirling specialise in
iting weird and wonderful
concept bars."

BuzzFeed

18 Bars Around The World You Must
Visit Before You Die



grown-up cocktail
as a sense of fun."

THE NUDGE



funhouse overflowing with
objects from Phileas Fogg's
travels."

London Evening Standard



ers will be able to drink on the
the first time since the alcohol
r an underground venue once
an air raid shelter was turned
o a Forties-themed bar."

MONEYWEEK



there are more bars trying
y that style, but back then
ere the first in London." –
Charlie

GQ



BBC



complacency are over. Just being
a bar and serve any old drink and
do well is increasingly hard now,
offer something more." – Charlie

TimeOut London



/ seven courses of Italian
ss in a 'hedonistic underworld'
r the minds behind Cahoots."

MailOnline

Conquer the map one drink at a time! Top London cocktail
bar frequented by Sir David Attenborough reveals how to
make tipples inspired by intrepid travels



the map one drink at a time! Top London cocktail bar frequented by Sir David Attenborough reveals how to make tipples inspired by intrepid travels

METRO



, an all-singing, all-dancing
ar, brings its Mediterranean
mischief to SW11."

MAYFAIR TIMES



While the Fogge's brand is very British. I
think the sense of travel and the global
ature of Phileas Fogg opens up a lot of
possibilities."

VANITY FAIR



"It's difficult to resist its conversation-starting
blend of "illicit" cocktails, live swing and post-
war London spirit, but now there's even more
reason to linger."

Awards

RECENT AWARD WINS



Best Digital Campaign 2020
(Cahoots)



Bar Group of the Year 2019
(Inception Group)



Best Marketing Campaign 2019
(Mr Fogg's)



Best Social Media Presence of the
Year 2020
(Inception Group)



Best Pub Concept 2019
(Mr Fogg's)



Best New Pub/Bar Site 2020
(Cahoots Ticket Hall & Control Room)



Best Pub of the Year 2019
(Mr Fogg's Tavern)



Best Use of Video 2020
(Cahoots)



Best Late Night Operator 2020
(Inception Group)



Dispersal Policy

This Dispersal Policy has been implemented to assist in the promotion of the four licensing objectives, in particular crime and disorder, public nuisance and public safety. This document is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours.

1. Management are aware of the potential for neighborhood noise and disturbance at the time that customers leave at closing time. Management have agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbors. Every effort will be made to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

Winding-down Period

2. Management have put into place an effective “wind-down” procedure in order to facilitate prompt closure of the premises and orderly dispersal pattern by customers.
3. At closing additional staff are directed to work in the customer areas near the front.
4. Given the style of the business there is a gradual departure of customers and the premises are frequently not at capacity at closing time.
5. Internal lighting levels will be increased during the last 30 minutes of trading.
6. The winding down period outlined above ensures that customers disperse gradually prior to cessation of trade.
7. We are proud of our building and the area we work in. We will endeavour to keep the area clean and attractive for our patrons and our

neighbours. This means dealing with debris outside our frontage that may have nothing to do with us but in the interests of maintaining good standards in the area we will still clear it up.

Door Supervisors

1. When applicable, SIA door supervisors shall be maintained until the premises are closed and shall be in position early enough in the evening to ensure that procedures for promoting public safety and preventing public nuisance are effective.
2. Mr Fogg's Apothecary Butlers are to assist in the dispersal of customers.
3. Mr Fogg's Butlers are trained to know:-
 - (a) where the nearest mode of public transport is
 - (b) details of taxis and a number is available at the reception
 - (c) general local knowledge so that if customers decide to move on the door staff can help them with directions.
4. Mr Fogg's Butlers are assigned key roles and these are split between supervising the dispersal and general control of the vicinity.
5. They are easily identifiable in striking uniforms and before each night there will be a team briefing to allocate the roles.
6. There is an end of night team meeting to discuss any ways that the premises may improve the dispersal of patrons and any actions points are added into each supervisors job cards.
7. They will be trained to direct customers on departure to transport links via Brook Street and not up South Molton Lane.

Notices

8. Notices shall be displayed at customer exits and in prominent positions requesting that patrons respect the needs of local residents and leave the premises and area quietly.
9. All employees are given appropriate instructions and training to encourage customers to leave the premises and the area quietly.

Incident Reports

10. All incidents of crime or disorder or nuisance are to be reported by the designated premises supervisor or responsible member of staff.
11. The licence holder shall ensure that the details of all complaints are recorded in an occurrence book.

12. When required, Mr Fogg's staff shall be in place at the exits to wish customers farewell and ask them to leave quietly and shall answer any questions regarding transport availability.
13. Mr Fogg's do not tolerate departing customers congregating outside of the premises.
14. Mr Fogg's Butlers should at all times be aware of activity outside of the premises and endeavour by their presence to minimise bad behaviour. They should be aware of potential areas of difficulty (nearby residences) and provide a presence in those places to minimise potential problems.
15. Whilst carrying out their legitimate duties outside of the premises all staff are trained not to behave in a manner likely to disturb the neighbourhood, conversation and laughter must be quiet and any communication is usually digital through an earpiece.



OUTDOOR MANAGEMENT AND SMOKING POLICY

This smoking policy has been created to assist in promoting the four licensing objectives. This smoking policy can be changed from time to time following best practice improvements and any recommendations that are approved by Mr Fogg's Apothecary. All members of staff must make sure that they are familiar with the terms of this policy.

- 1.Smoking is not permitted within any part of Mr Fogg's Apothecary.
- 2.Customers who are from within the premises and wish to smoke should be directed to the agreed designated smoking area. This area is to be known as the designated smoking area for the premises.
- 3.The door attendant(s)/door supervisor(s) or daytime staff on duty shall be in charge of monitoring the designated smoking area and any external area in general.
- 4.After 11pm, if the designated area is full, a member of staff should ask the customer to wait within the premises until a space becomes available.
- 5.The smoking area should be cleaned regularly, and ashtrays emptied.
- 6.Customers should be reminded to respect our neighbours and to keep conversations to a minimum.
- 7.The door attendant(s)/door supervisor(s) on duty shall keep a log of any person causing any disturbance or nuisance whether or not that person is a customer.
- 8.The door attendant(s)/door supervisor(s) on duty shall assist in trying to keep any noise disturbances/incidents from the designated smoking area as well as in the immediate vicinity of the premises to a minimum.

SCHEDULE OF TEMPORARY EVENT NOTICES FOR MR FOGG'S APOTHECARY

no. of TEN	Extension (Time)	Trading Day							Notes
		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
1	03:00				6th April	7th April	8th April	9th April	
2	03:00							28th May	
3	03:00		10th Oct						
4	03:00					27-Oct	28-Oct		Last Entry at 2am, Venue closes at 3am
5	03:00					03-Nov	04-Nov		Last Entry at 2am, Venue closes at 3am
6	03:00					10-Nov	11-Nov		Last Entry at 2am, Venue closes at 3am
7	03:00					17-Nov	18-Nov		Last Entry at 2am, Venue closes at 3am
8	03:00					24-Nov	25-Nov		Last Entry at 2am, Venue closes at 3am
9	03:00					01-Dec	02-Dec		Last Entry at 2am, Venue closes at 3am
10	03:00			06-Dec	07-Dec	08-Dec	09-Dec		Last Entry at 2am, Venue closes at 3am
11	03:00			13-Dec	14-Dec	15-Dec	16-Dec		Last Entry at 2am, Venue closes at 3am

LICENSING ACT 2003

PREMISES LICENCE: LOCAL RISK ASSESSMENT

INTRODUCTION

This document should be completed as part of the Risk Assessment process for the premises, including the management of outdoor space. Whilst this is guidance Environmental Health, Licensing and Trading Standards officers will be seeking the full cooperation from managers, licence premises holder, the relevant Designated Premises Supervisor (DPS) and staff. Please note this document is written with due consideration of the 4 licensing objectives as set out in the Licensing Act 2003. The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

Whether or not any risk assessment of the premises shows the need to include measures in the Operating Schedule depends on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Appropriate conditions for the licence or certificate will also depend on local knowledge of the premises.

Mr Fogg's Apothecary is prepared to cooperate with the authorities to achieve the Licensing Objectives without the need for specific conditions. This should ensure that any condition attached is proportionate and reasonable in line with Council Policy.

Any individual preparing an Operating Schedule is at liberty to volunteer any measure, such as in the following Local Risk Assessment, as a step Mr Fogg's Apothecary intends to take to promote the Licensing Objectives. Good Operating Schedules should pre-empt the need for any non-mandatory conditions to be applied. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Licensing Act 2003

Pro Forma Risk Assessment

Date: 27th Oct 2023
Business name: Mr Fogg's Apothecary

Business address: 34 Brook Street. London

Postcode: W1K 5DH

Premises Description:

Mr. Fogg's Apothecary occupies the basement level of an end-of terrace building on the junctions of Brook St, South Molten St, and South Molten Lane. The building is of 4 upper floors in height above ground and is understood to be under multi-occupancy.

Access to the premises is off S Molten Lane via the open plan stairs that lead down to the main bar. This is for general bar use. A separating door leads into a smaller customer space (The Elixir Room) that can be used for private functions as well as general use. There is an alternative protected stair up to a final exit at ground level (onto S Molten Lane) from this space, that also acts as the entrance when it is used for private functions. The nearest tube station is 3 mins walk, Bond Street. The Site is located within the very heart of the West End and Central Activities Zone (CAZ).

The area is mainly high-end retail units that are closed in the evening. However, there are other licensed premises in the vicinity, for example, The Running Horse and The Iron Duke pubs and the Lucky Club, Mayfair. All within a couple of hundred yards of the premises. The area was generally quiet although there were pedestrians making their way to and from the other night-time premises and traffic running along Brook Street.

Since opening 2022, there has been no incident and no complaint from residence in the area. It operates under straight management control in accordance with an Outdoor Management / Smokers and Dispersal Policy. There are also sufficient measures 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. The style of operation is not one that will lead to noise or nuisance and that the conditions in place and suggested by the EHO are sufficient to ensure the premises are operated in a manner that fully promotes the licensing objectives.

Document content:

1. This document has four sections which correspond with the four licensing objectives. In each section you will find information on potential control measures (each with an individual code) which helps to meet the four licensing objectives.

Crime and Disorder

CCTV

Does the premise have CCTV?

YES NO N/A

If YES:

Was the siting and standard agreed with WCC Police?

YES NO

Have you agreed a policy on the retention and security of the footage with WCC Police? YES NO N/A

If NO:

Have you consulted WCC Police about whether CCTV should be installed? YES NO N/A

(NB unless WCC Police have agreed CCTV is not required, a representation is likely)

Suggested measures	Code	✓
A Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises.	CD01	✓
The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence (licensed areas), including corridors and stairways (excluding WCs and changing rooms).	CD02	✓
The CCTV system will cover the main entrance/s and exit/s and designated emergency egress routes from the premises.	CD03	✓
The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks.	CD04	✓
The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with Police and the Licensing Authority	CD05	✓
The CCTV system will be of a resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates in any light condition.	CD06	✓
The CCTV system will contain the correct time and date stamp information.	CD07	✓
The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage.	CD08	✓
The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when. This record must be made available to Police/Licensing on request.	CD09	✓
A designated member/members of staff at the premises will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the Licensing Authority or a Responsible Authority (under the Licensing Act 2003) any CCTV footage, as requested, will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied, on request, to an authorised officer of the Licensing Authority or a Responsible Authority with the absolute minimum of delay.	CD10	✓
The CCTV system will be capable of securing relevant pictures for review or export at a later date.	CD11	✓

The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media.	CD12	<input checked="" type="checkbox"/>
The CCTV system replay software must allow an authorised officer of the Licensing Authority or Responsible Authority to search the picture footage effectively and see all the information contained in the picture footage.	CD13	<input checked="" type="checkbox"/>
It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.	CD14	<input checked="" type="checkbox"/>

Designated Premises Supervisor (DPS)

Will the DPS generally be on site?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Is the DPS contactable in emergency?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If the DPS is not to be generally on site, have you made arrangements to nominate the supervisor in his/her absence?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	<input checked="" type="checkbox"/>
A Supervisor's Register will be maintained at the licensed premises, showing the names, addresses and up-to-date contact details for the DPS and all personal licence holders.	CD15	<input checked="" type="checkbox"/>
The Supervisors Register will state the name of the person who is in overall charge of the premises at each time that licensed activities are carried out, and this information will be retained for a period of twelve months and produced for inspection on request to an authorised officer.	CD16	<input checked="" type="checkbox"/>
There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.	CD17	<input checked="" type="checkbox"/>

Door Supervisors and Other Security Staff

Do you use registered door supervisors or security staff?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Are they Security Industry Authority (SIA) registered?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you specify a minimum number of door supervisors?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If YES, state the number of staff _____ 2 Door Supervisors	
Days (and times) employed _____ 23:00 until 30mins after closed	
Has this been agreed with WCC Police?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Do you have a policy with the door supervisor or security company which covers:	
<ul style="list-style-type: none"> Vetting customers entering the premises? 	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
<ul style="list-style-type: none"> Is there a prominently displayed written search policy on the premises? 	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

• Controlling customers entering, within or leaving the premises?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
• Safeguarding the public within and immediately outside the premises?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
• Notifying WCC Police at the earliest opportunity of any problems or incidents?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
• Exclusion of persons who have had too much to drink or appear inclined to disorder?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you have a Daily Record Register within which door supervisors/security staff sign on and off duty?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Is the Daily Record Register bound with consecutively numbered pages?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Can you identify who was on duty at any particular time?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you have an Incident Report Register?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Is the Incident Report Register bound with consecutively numbered pages?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Suggested measures	Code	✓
Persons entering or re-entering the premises may be searched at random by an SIA trained member of staff and monitored by the premises CCTV system.	CD18	✓
At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.	CD19	
All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall be in Mr Fogg's style distinctive uniform	CD20	✓
A minimum of (____) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.	CD21	
A minimum of (____) SIA licensed door supervisors shall be on duty at the premises between the hours of _____ and _____.	CD22	
The Premises Licence Holder (PLH)/Designated Premises Supervisor (DPS) will ensure that a 'Daily Record Register' is maintained on the premises by the door staff.	CD23	✓
The Daily Record Register will contain consecutively numbered pages, the full name and registration number of each person on duty, the employer of that person and the date and time he/she commenced duty and finished duty (verified by the individual's signature).	CD24	✓
The Daily Record Register will be retained on the premises for a period of twelve months from the date of the last entry and made available to an authorised officer from the Licensing Authority or Police on request.	CD25	✓
Security staff/designated supervisors will be familiar with the premises policy concerning the admission, exclusion and safeguarding of customers whilst in the premises.	CD26	✓

All external fire exit doors shall be fitted with sensor alarms and visible or audible indicators to alert staff when the doors have been opened.	CD27	✓
The PLH/DPS will ensure that an Incident Report Register is maintained on the premises to record incidents such as anti social behaviour, admissions refusals and ejections from the premises.	CD28	✓
The Incident Report Register will contain consecutively numbered pages, the date time and location of the incident, details of the nature of the incident, the names and registration numbers of any door staff involved or to whom the incident was reported, the names and personal licence numbers (if any) of any other staff involved or to whom the incident was reported, the names and numbers of any police officers attending, the police incident and / or crime number, names and addresses of any witnesses and confirmation of whether there is CCTV footage of the incident.	CD29	✓
The Incident Report Register will be produced for inspection immediately on the request of an authorised officer from the Licensing Authority or Police.	CD30	✓

Drugs and Offensive Weapons

Do you have a policy and procedure to prevent use of illegal drugs or weapons (e.g. a search policy)?	YES ✓ NO <input type="checkbox"/> N/A <input type="checkbox"/>
Has this been agreed with WCC Police?	YES ✓ NO <input type="checkbox"/> N/A <input type="checkbox"/>
Does the policy include:	
• recording any search	YES ✓ NO <input type="checkbox"/> N/A <input type="checkbox"/>
• seizing drugs/weapons found	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A ✓
• a purpose made secure receptacle for items seized	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A ✓
• informing the police of any search and seizure	YES ✓ NO <input type="checkbox"/> N/A <input type="checkbox"/>
• prominently display notices to inform customers of the policy	YES ✓ NO <input type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	✓
A policy for searching patrons at the entrance to premises will be adopted and prominently displayed on the premises.	CD31	✓
The PLH/DPS will inform WCC Police as soon as possible of any search resulting in a seizure of drugs or offensive weapons.	CD32	✓
A suitable purpose-made receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with WCC Police.	CD33	✓
Notices will be prominently displayed at the entrances of the premises which state: <ul style="list-style-type: none"> • Random searches will be conducted as a condition of entry to premises; 	CD34	✓

<ul style="list-style-type: none"> • Incidents of crime and disorder will be reported to the police and a full recorded entry will be made in the incident report register. • Entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent; or appears to be under the influence of drugs. • entry will be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour or the use or distribution of illegal substances 		
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Communication

Do you subscribe to a form of communication link (radio/text/pager system)? The system shall be recognised by WCC Police.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Has this been agreed with WCC Police?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

Suggested measures	Code	✓
There will be a communication link via radio to other venues in the town centre. This will be the system recognised by WCC Police.	CD35	
A radio communication link will be kept in working order at all times when licensable activities are taking place.	CD36	
The radio communication link will be available to the Designated Premises Supervisor or other nominated supervisor and be monitored by that person at all times that licensed activities are being carried out.	CD37	<input checked="" type="checkbox"/>
Any police instructions or directions given via the radio link will be complied with whenever given.	CD38	
All incidents of crime or disorder will be reported via the radio link to an agreed police contact point.	CD39	
As soon as possible, and in any event within one month from the initial grant of the licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme, if such a scheme exists.	CD40	<input checked="" type="checkbox"/>

Responsible Sale of Alcohol (cont.)

<u>Proof of Age</u>	
Have you adopted a proof of Age Scheme?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Have all staff been instructed on the steps required to prevent under age sales of alcohol?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
<u>Glass and Bottles</u>	
Do you have a policy for the frequent collection of glasses and bottles?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

Do you take steps to prevent glasses/bottles being removed from the premises, e.g. instruction to door/bar staff, display of notices?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you use plastic or toughened polycarbonate (or similar) drinking glasses/bottles when necessary?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<u>Alcohol Designated Public Places Orders</u>	
If your premises are in the area of an Alcohol Designated Public Places Order (DPPO), do you prominently display notices advising customers of the Order and its effects?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

Suggested measures	Code	✓
The PLH/DPS staff will ask for proof of age from any person appearing to be under the age of 21/25 (delete as appropriate) who attempts to purchase alcohol at the premises.	CD41	✓
The PLH/DPS staff will ask for photographic identification in the form of either a passport, EU photographic driving licence or PASS accredited identification, from any person appearing to be under the age of 21/25 (delete as appropriate) who attempts to purchase alcohol at the premises.	CD42	✓
A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003).	CD43	✓
<u>Glass and Bottles</u> Drinks, open bottles and glasses will not be taken from the premises at any time. Empty bottles and glasses will be collected regularly and promptly. Glass and other sharp objects will be stored and disposed of using tamper proof receptacles. Receptacles will be secured and not accessible to the customers.	CD44	✓
The PLH/DPS will prominently display notices which inform customers that open bottles or glasses may not be taken off the premises.	CD45	
Plastic or toughened polycarbonate (or similar) glasses/bottles will be used in all outdoor areas.	CD46	
Plastic or toughened polycarbonate (or similar) glasses/bottles will be used when requested by Police (e.g. football match days or at certain times i.e. after 23:00 hours).	CD47	
<u>Alcohol Designated Public Places Orders</u> Notices indicating the existence and effect of an Alcohol Designated Public Places Order will be prominently displayed at the exits to the premises.	CD48	

Responsible Sale of Alcohol (cont.)

<u>Membership of a Recognised Body</u> Do you belong to a Licensees Association/Body	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
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If **YES**, please state which body _____ Institue of Licensing Member

Exclusion from Premises

Do you operate a system of excluding customers known to cause problems? YES NO N/A

If **YES**:

- is this your own system or YES NO N/A
- a system run by a local licensees body such as Pubwatch/Townwatch YES NO N/A

Dispersal Policy

Do you have a written dispersal policy (e.g. A policy on how you disperse your clientele from your premises to reduce the risk of anti social behaviour) If **YES**: YES NO N/A

- Was this agreed with WCC Police? YES NO N/A
- Are all bar and door staff trained on the policy? YES NO N/A

Suggested measures	Code	<input checked="" type="checkbox"/>
The PLH/DPS will belong to a recognised trade body or Pub Watch Scheme where one exists, whose aims include the promotion of the licensing objectives.	CD49	<input checked="" type="checkbox"/>
The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with the Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.	CD50	<input checked="" type="checkbox"/>

Entertainment of an Adult Nature e.g. Strip Tease Dancing or Nude Dancing

Do you provide any entertainment consisting of striptease or nude dancing including where dancers are wearing 'see through' clothing or the show includes sexual stimulation? YES NO N/A

Please note that should you provide relevant entertainment more than 12 occasions per 12 month period or more frequently than monthly you will be required to apply for a Sex Establishment licence.

Suggested measures	Code	<input checked="" type="checkbox"/>
All adult entertainers will be aged no less than 18 years.	CD51	<input type="checkbox"/>
Adult entertainment price lists will be clearly displayed at each table and at each entrance to the premises.	CD52	<input type="checkbox"/>
Adult entertainers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.	CD53	<input type="checkbox"/>
Any person on the premises who can be observed from outside the premises will be properly and decently dressed.	CD54	<input type="checkbox"/>

Entertainers will only perform on the stage area, or in areas identified on the plan attached to the licence.	CD55	
Relevant entertainment will only be performed by the entertainer. There must be no audience participation. There must be no physical contact between entertainers.	CD56	
Customers will not touch the breasts or genital area of entertainers. Entertainers will not directly or indirectly touch the breasts or genital area of customers.	CD57	
Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.	CD58	
Sex toys must not be used and penetration of the genital area must not take place.	CD59	
Customers will not be permitted to throw money at the entertainers.	CD60	
All areas used for private dances must be visible to supervision and must not have closing doors or curtains that prevent performances from being observed.	CD61	
All areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times when the areas are in use. Direct supervision does not include remote supervision by CCTV.	CD62	

Public Safety

Management Arrangements

Suggested measures	Code	✓
The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (270) persons.	PS01	✓
Before opening to the public, checks will be undertaken to ensure all accesses to the premises are clear for emergency vehicles. Hourly checks will be undertaken when the premises are open.	PS02	✓
Written records of all accidents and safety incidents involving members of the public and/or staff will be kept. These will be made available at the request of an authorised officer.	PS03	✓
During opening hours the cellar door must be kept locked or supervised to prevent unauthorised access by the public.	PS04	✓
A suitably trained and competent person must ensure daily/weekly/monthly safety checks of the premises, decorative and functional fixtures, floor surfaces and equipment (including electrical appliances) to which the public may come into contact are undertaken. Records of these safety checks must be kept and made available for inspection by an authorised officer.	PS05	✓
Empty bottles and glasses will be collected at least hourly	PS06	✓

Electrical installations will be inspected on a periodic basis (at least every 5 years or at a frequency specified in writing) by a suitably qualified and competent person. Inspection records/certificates will be kept and made available at the request of an authorised officer. If used, any temporary electrical wiring and distributions will also be inspected. Inspection records/certificates will be kept. These will be made available at the request of an authorised officer.	PS07	✓
<p>One of the following protective measures shall be used for all socket-outlets which may be used for the connection for lighting, video or sound amplification equipment and display models:</p> <p>a) Each socket-outlet circuit will be protected by a residual current device having a rated residual operating current not exceeding 30mA, or</p> <p>b) Each individual socket-outlet will be protected by an integral residual current device having a rated residual operating current not exceeding 30mA.</p> <p>The current operation of all residual current devices will be checked regularly by pressing the test button. If the device does not switch off the supply, an electrical contractor should be consulted. At the same time action should be taken to prohibit the use of socket outlets associated with a faulty residual current device.</p>	PS08	✓

General Housekeeping

Do you have written procedures for the inspection of:		
• Furnishings and fabrics	YES ✓	NO <input type="checkbox"/> N/A <input type="checkbox"/>
• Suspended decorations/lights/amplification systems	YES ✓	NO <input type="checkbox"/> N/A <input type="checkbox"/>
• Guarding to stairs/balconies/landings/ramps	YES <input type="checkbox"/>	NO <input type="checkbox"/> N/A ✓
• Condition of floor surfaces	YES ✓	NO <input type="checkbox"/> N/A ✓
• Provision of safety glazing	YES <input type="checkbox"/>	NO <input type="checkbox"/> N/A ✓
• Guardings to fires or open flames	YES <input type="checkbox"/>	NO <input type="checkbox"/> N/A ✓

Suggested measures	Code	✓
Daily safety checks of guardings to stairs, balconies, landings and ramps will be undertaken, and a supervision policy will be maintained to prevent people from inappropriate behaviour, including climbing which may lead to a fall from height.	PS09	✓
Safety glass that is impact resistant or shielded to protect it from impact will be used in all areas where the public may come into contact with it. (N.B. for windows and doors etc).	PS10	
A written spillage policy will be kept to ensure spillages are dealt with in a timely and safe manner. All staff will be made aware of the policy.	PS11	✓

Refreshments

Do you prepare hot food / drinks in proximity to the public?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If YES: Has the risk of scalding or burns been assessed?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	✓
Members of the public will be prevented from accessing hot food and drink preparation areas to prevent risk of scald or burns.	PS12	✓

First Aid

Do you have staff trained in First Aid?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
If YES, please state numbers ___The whole management team _____	
Do you provide facilities for treatment of minor injuries (e.g. First Aid box)?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
Do you have procedures for dealing with customers who are unwell including those who appear to be affected by drugs / alcohol)?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	✓
A suitably trained First Aider or appointed person to deal with first aid issues will be provided at all times when the premises are open.	PS13	✓
An appropriately qualified medical practitioner will be present throughout any sporting entertainment.	PS14	
Staff holding a current qualification issued by a recognised national body in rescue and life safety procedures will be stationed and remain in the vicinity of the water at all material times.	PS15	✓
First Aid equipment and materials adequate for the number of persons on the premises will be available on the premises at all times. All staff will be made aware of first aid location.	PS16	✓
A procedure for dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.	PS17	✓
A dedicated first aid room will be available for use at all times the premises is open for licensable activities.	PS18	

Special Effects

Do you use special effects on/at the premises, e.g. strobes, lasers, smoke machines or fireworks?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
If yes, please give details :	

Suggested measures	Code	✓
A written health and safety policy covering all aspects of the safe use of strobes, lasers, smoke machines or any other special effects, will be provided and staff will be trained on the policy.	PS19	
No strobes, lasers or smoke machines will be used at the premises unless there is a clearly displayed warning at the entrance to the premises that such equipment is in use.	PS20	

Sporting Events

Suggested measures	Code	✓
Prior to any "designated sporting event" (as defined in the Sporting Events Control of Alcohol Act 1985) the premises licence holder shall ensure that;		
(i) Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated sporting event;	PS21	
(ii) No sales of alcohol in glass bottles or glass containers are made in the period four hours before the commencement of the designated sporting event;	PS22	
(iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated sporting event;	PS23	
(iv) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting event or in the vicinity of the premises as a result of the designated sporting event;	PS24	
(v) All members of staff working at the premises are informed of this condition prior to taking up employment;	PS25	

Prevention of Public Nuisance

Noise and Vibration

Noise and vibration

Identify the potential sources of noise and vibration which apply/could apply to the premises:

- Amplified music
- Unamplified music ✓
- Singing and speech ✓
- Waste disposal, including bottle bins ✓
- Plant and machinery, including extraction systems e.g. cooking extraction
- Food preparation ✓
- Cleaning ✓

Identify where sources of noise may occur outside the premises:

- Beer garden
- Play area
- Car park
- Temporary structure
- Plant and equipment
- Smoking area ✓
- Sitting out area

Identify which measures are in place/proposed:

- Soundproofing
- Air conditioning to allow windows to be kept closed ✓
- Sound limiters
- Use of lobby doors
- Cooling down period with reduced music volume ✓
- Fixed and appropriate times for collection of waste
- Restricted use of outdoor areas ✓
- No external loudspeakers ✓

Are the premises located near (<100m) noise sensitive properties, e.g. residential areas, residential homes, hospitals? YES ✓ NO

Applicants should refer to the Clean Neighbourhoods and Environment Act 2005 which has amended the Noise Act 1996 to introduce "night noise offences" for licensed premises in completing this section.

Suggested measures	Code	✓
Licensable activities will be conducted and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties.	PPN01	✓

Noise from a licensable activity at the premises will be inaudible at the nearest noise sensitive premises.	PPN02	✓
There will be no external loudspeakers.	PPN03	✓
All windows and external doors shall be kept closed after (_23:00_) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.	PPN04	✓
A sound limiting device located in a separate and lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.	PPN05	
A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.	PPN06	✓
Bottles will not be placed in any external receptacle after 23.00 hours and before 07.00 hours to minimise noise disturbance to neighbouring properties.	PPN07	
No deliveries to the premises shall be arranged between 23:00 hours and 07:00 hours.	PPN08	✓
All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.	PPN09	✓
Noise from plant or machinery will be inaudible at the nearest noise sensitive premises during the operation of the plant or machinery. Plant and machinery will be regularly serviced and maintained to meet this level.	PPN10	
The PLH/DPS will ensure patrons outdoors ie smokers, external areas in a manner which does not cause disturbance to nearby residents and business in the vicinity. P	PPN11	✓
The activities of persons using the external areas will be monitored after (_00:00_) hours and they will be reminded to have regard to the needs of local residents and to refrain from shouting and anti social behaviour etc when necessary.	PPN12	✓
There shall be no admittance or re-admittance to the premises after (_00:00_).	PPN13	✓
Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (___) persons at any one time.	PPN14	
Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks with them.	PPN15	✓

The PLH/DPS will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises e.g. for the last hour of opening.	PPN16	✓
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Litter

Does the premise sell takeaway food, drinks or other produce/packaging which may generate litter/waste? YES NO N/A

If YES, please identify the steps taken to prevent nuisance caused by litter:

.....

.....

- Provision of litter bins in vicinity of premises
- Display of notices to customers near exits
- Warnings/advice on packaging
- Instructions to staff to periodically clear litter from the street around the premises
- Other (please specify)

Suggested measures	Code	✓
The PLH/DPS will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.	PPN17	
The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected in accordance with the business's refuse storage arrangements.	PPN18	
No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.	PPN19	

Transport/Pedestrian Movement

Do you have a procedure to ensure that local residents and businesses are not disturbed by customers entering and or leaving your premises: YES NO N/A

If YES:

What steps do you take to ensure that the procedure(s) works?
See Outdoor Management and Dispersal policy

Suggested measures	Code	✓
Clear and legible notices will be displayed at exits, car parks and other circulatory areas requesting patrons to leave the premises quietly having regard to the needs of local residents, in particular emphasising the need to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.	PPN20	✓
(___) SIA Registered door staff will be employed and used to manage queues and ensure queues are restricted to cordoned areas to prevent them obstructing footpaths and spilling out onto roads, and to keep noise and obstructions away from residential property.	PPN21	
The premises supervisor and any door supervisors will monitor the activity of persons leaving the premises and remind them of their public responsibilities where necessary.	PPN22	✓
A facility will be provided for customers to order taxis/private hire vehicles. Telephone numbers for taxi firms/private hire companies will be displayed in a prominent position on the premises.	PPN23	✓
There shall be no admittance or re-admittance to the premises after (_00:00_) hours.	PPN13	✓
Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (_15_) persons at any one time.	PPN14	✓
Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks with them.	PPN15	✓

Protection of Children from Harm

Entertainment of an Adult Nature

Do you provide entertainment of a sexual or adult nature (including strong or offensive language)?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
If so, do you only provide adult entertainment at certain times/days of the week?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Is your premises located near to premises which are children orientated?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	✓
People under 18 (including staff) will not be admitted to the premises at any time when entertainment of a sexual or adult nature is being provided.	PCH01	
The PLH/DPS will provide clear signage that entertainment of an adult nature is occurring which is not suitable for under 18s.	PCH02	
Measures will be put in place for ensuring non-admission to persons under 18 years of age when entertainment of an adult nature is taking place, such as door supervision and age identification checks (including staff)	PCH03	

The PLH/DPS will not externally display photographs or other images which indicate and suggest that striptease or similar entertainment takes place on the premises.	PCH04	
Any person on the premises who can be observed from outside the premises will be properly and decently dressed.	PCH04	
Any written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature.	PCH05	

Under Age Sales of Alcohol

Do the premises sell or supply alcohol?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
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Suggested measures	Code	✓
People under 18 years of age will not be admitted unaccompanied or without supervision of adult	PCH06	<input checked="" type="checkbox"/>

Gambling

Is there a strong element of gambling on the premises?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
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Suggested measures	Code	✓
People under 18 (including staff) will not be admitted to the premises at any time when gambling is taking place.	PCH07	
or		
There will be a physical screen of the relevant entertainment from the view of those under 18 years who are in a separate area of the premises.	PCH08	

Performers Under 18

Do entertainment performances include performances by children and young persons under 18 years of age?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
NOTE The Children (Performance) Regulations 1968 as amended – continue to apply but are not conditions on the licence as that would be duplication	

Suggested measures	Code	✓
The PLH/DPS will provide an adequate number of suitable adult supervisors who can provide care for the children as they move from stage to dressing room etc, and to ensure that all children can be accounted for in case of an evacuation or an emergency.	PCH09	

All supervisors and crew will receive instruction on the fire procedures applicable to the venue prior to the arrival of the children	PCH10	
The PLH/DPS will ensure that all special effects e.g. flashing lights, dry ice, smoke etc are safe for the children involved in the performance.	PCH11	

Entertainment and/or Facilities Specifically Provided for Children

Is any entertainment/facilities specifically provided for children?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
If yes are the children unaccompanied or supervised by staff without parental presence (including where parents are elsewhere in the licensed premises).	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
Do you provide young persons discos or similar entertainment?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	✓
The PLH/DPS will ensure that an adult supervisor is stationed in the area(s) or levels which are occupied by children. The supervisors will be placed in the vicinity to exits to the premises. There will be one supervisor per 50 children at all times.	PCH12	
For closely seated audiences, i.e. theatres and cinemas, the ratio of supervisors will be 1 per 25 children, provided that where the children are in the charge of an adult organiser such organisers will be regarded as attendants to an extent not exceeding half of the number of attendants required by the above condition 4PF088.	PCH13	
No child will be permitted to occupy the front row of any balcony gallery or tier, unless accompanied by and in the charge of a person who appears to have attained the age of 16 years.	PCH14	
Upon egress from the premises the Licensee will deploy staff on exit doors and within the vicinity of the premises to ensure the safe dispersal of children and the premises will not close until all children have left the area.	PCH15	

Child Protection Measures

Do you have a system for ensuring the suitability of staff who work closely with children?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
If YES state measures used:	
Are your premises located near any adult orientated premises e.g. an adult retail sex shop or a betting shop?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

Suggested measures	Code	✓
The PLH/DPS will perform the necessary background checks including relevant police checks on all potential staff before offering them employment. The Licensee will report any child related concerns to the police he/she has about potential staff, existing staff and customers.	PCH17	
The PLH/DPS will ensure staff receive training to deal with unaccompanied children on the premises and prevent them from harm.	PCH18	
The PLH/DPS will comply with the written guidance for protecting children from harm issued by County Council, Department of Social Services.	PCH19	
The PLH/DPS will liaise with any adult orientated premises close to his/her premises which the Licensee suspects are at risk of admitting underage children from his/her own premises.	PCH20	

Conclusion:

The premises is located in a largely day-time retail area with some residential premises in the area above shops. Due to the style of operation there are few 'walk-up' customers and no queueing. With the majority of customers being pre-booked, and the remaining required to give their details prior to entry, customers are aware that their identity is known to the premises and that their images are captured on CCTV. This is a significant deterrent to anyone who may consider causing any issues at, or near, the premises.

Unlike some late-night bars and clubs, Mr. Fogg's Apothecary operates in a very low-key manner; Almost 80% of guests are through bookings compared with very little walk-in trade, there were not crowds of people loitering outside, the behaviour that often generates noise and nuisance. Customers were admitted quickly and left quietly over an extended period of time. There is no noisy or drunken behaviour outside by customers nor noise nuisance caused by smokers.

The premises has comprehensive and up-to-date policies that meet or exceed the licence requirements and generally operates in a manner that takes advantage of up- to-date technology and enables senior managers to constantly monitor performance, ensuring licence conditions are adhered to and the premises does not impact negatively on the vicinity and to and provide information to relevant authorities if required.

The premises had no impact on the area. There is no noise audible from the premises, customers or vehicles and no nuisance or anti-social behaviour from those arriving or leaving.

In consideration of all the control measures, it is therefore identified as acceptable to reduce the need as per condition 42 that 'SIA badge holder shall be on duty from 18:00 at the premises whilst it is open for business'; instead having competent and trained Door host / Duty Managers to control and monitor the venue. As per the Health and Safety Executive guidelines Competence can be described as "the combination of training, skills, experience and knowledge that a person has and their ability to apply them to perform a task safely".

On quieter days, Sunday through to Wednesdays, Management team will control and monitor the venue. If there is no senior manager on site on those days or an event is held, One SIA badge supervisor will be present.

On peak trading days, increased footfall during festive season, Thursday through to Saturday and when trading with Temporary Event Notice, one SIA badge supervisor should be present

from 18:00 until closing. There will also be a number of Competent Persons on site that will be able to assist any necessary particulars alongside the security should it become necessary.

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Wednesday 23rd June 2022

Membership: Councillor Angela Piddock (Chairman) and Councillor Tim Mitchell.

Officer Support Legal Advisor: Steve Burnett
Policy Officer: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Karyn Abbott

Others present: Sarah Le Fevre, (Counsel) on behalf of Brook Street Bar Limited (Applicant).

For Brook Street Bar Limited:
Charlie Gilkes – Director
Duncan Stirling – Director
Ellie Kwong – Operations
Richard Vivian – Noise Consultant
Adrian Studd - Consultant

Maxwell Koduah – Environmental Health Officer (EHO)
[REDACTED] – Resident (Opposed)
[REDACTED] – Resident (Opposed)
Richard Brown (Solicitor, Westminster's Citizens Advice)
representing [REDACTED]

Application for a New Premises Licence in respect of
Mr Fogg's Apothecary, Basement, 34 Brook Street, Mayfair, London W1K 5DN

Ref No: 22/02758/LIPN

FULL DECISION

Premises

Mr Fogg's Apothecary,
34 Brook Street,
Mayfair,
London
W1K 5DN

Applicant

Brook Street Bar Limited

Ward

West End

Cumulative Impact

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

Regulated Entertainment indoors (Films, Indoor sporting events, Live and recorded music.)

Mondays to Saturdays 07.00 to 01.30
Sundays 12.00 to 23.30

Late night refreshments (Both)

Mondays to Saturdays 23.00 to 01.30
Sundays 23.00 to 23.30

Sale by retail of alcohol [on and off sales]

Mondays to Saturdays 07.00 to 01.30
Sundays 12.00 to 23.30

Opening Hours

Mondays to Saturdays 07.00 to 02.00
Sundays 12.00 to 00.00

All licensable activities and opening hours from the start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate the premises as part of the Mr Fogg's brand of themed licensed establishments.

Representations Received

- Maxwell Koduah - Environmental Health Service
- 2 Local Resident (opposing)
- 3 Local Residents (supporting)

Summary of Representations

- THE EHO states that as presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area
- Three supporting resident's representations states the operation is a benefit to the area, and unlikely to cause a nuisance to the area. It's well lit operation and door staff will deter crime and disorder and the operators are experience and respected.
- The two objecting resident's concerns are that the Premises will cause public nuisance as a result of the longer hours requested. The premises licence should be restricted to Westminster's Core Hours. There will be disturbance to residents living in the area from taxis and car use and customers dispersing at closing times.

Policy Position

HRS1

- Under Policy HRS1, applications within the core hours set out in the policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy and applications for hours outside the core hours set out in the policy will be considered on their merits, subject to other relevant policies, and with particular regard to the matters identified in Policy HRS1.

PB1

- Applications outside the West End Cumulative Zone will generally be granted subject to:

The application meeting the requirements of policies CD1, PS1, PN1 and CH1.

The hours for licensable activities being within the council's Core Hours Policy HRS1.

The application and operation of the venue 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.

SUBMISSIONS AND REASONS

1. The Presenting Officer, Ms Karyn Abbott introduced the application and advised that the application was for a new Premises Licence for a themed bar.
2. Sarah Le Fevre, Counsel appearing on behalf of the Applicant, addressed the Committee and directed them initially to page 18 of the committee papers which detailed the Applicant's biography, identified awards they had received and confirmed the Applicant's commitment to trading in London. They have provided jobs and apprentice schemes to encourage employment.
3. Counsel added that the Applicants have the written support of residents, businesses, and landlords and that they had operated a number of their Premises Licences without issues.
4. The Committee was further informed that there were two expert reports in the committee papers which came to the common conclusion that should the application be granted, there was no risks of a negative effect on the licencing objectives.
5. Counsel confirmed that there is an existing premises licence, but this application is to extend the trading hours beyond the existing core hours. Should this application be granted then the existing Premises Licence will be surrendered.
6. The Committee were advised of key points in support of the application. In summary these were the quality of the operation, a capacity figure of 270 substantially seated customers, 70% of customers having pre booked, a last entry time of midnight, the licensed area being located in the basement which minimised noise escape, good public transport away from the premises, the restriction of off sales to 23:00 hours and engagement with local residents.
7. In response to questions from the Committee the Applicant confirmed that food would always be available at the premises, and this was a proposed condition on the licence. They also accepted capacity of 270 but stated that this capacity would very rarely be deployed at the premises.
8. The Applicants stated to the Committee that members of the public would not be admitted on the premises between the hours of 07:00 and 09:00. There is also a 'no admittance condition' agreed, which they would not want to apply to smokers or people using their phones as they wanted some flexibility. Notwithstanding this, the total amount of patrons making calls and smoking in the outside areas has been limited to 10 people.
9. Mr Gilkes on behalf of the Applicant, emphasised to the Committee that he would be happy to set up a WhatsApp group to regularly liaise with residents. Furthermore, although they have not requested a condition requiring door staff at the premises, they would be happy to commit to having door staff at

the premises between the hours of 18:00 until close on Thursday Fridays and Saturdays.

10. Ellie Kwong, on behalf of the Applicant advised the Committee that dispersal was by way of a staggered approach. The lights inside the premises would be switched on and the music volume decreased to give customers time to call taxis and prepare to leave. Customers would be expected to wait inside the premises for taxis to prevent loitering outside.
11. The EHO addressed the Committee and stated that the new conditions on the proposed process premises licence was much improved. The Applicant have an existing dispersal and outside smoking policy, and this would mitigate public nuisance.
12. The Committee were advised by the EHO that the Applicant have applied for hours access of Core Hours and he would expect the dispersal policy to be updated to take this into account. Mr Koduah confirmed that he had visited the premises and he is confident that the premises is acoustically sound and will not cause noise escape. He concluded that by having a last admission condition and systems to manage the conduct of patrons when they leave, he is confident that the Applicant can mitigate any potential public nuisance.
13. ██████████ directed the Committee to Mr Brown's submissions starting at page 5 of the additional committee papers. She confirmed to the Committee that she lived on Brook Street 46 years.
14. ██████████ confirmed that she has no reason to believe Mr Fogg would not be well managed. However, it was her concerns that the later hours would cause nuisance to residents living in the area. She specifically highlighted to the Committee that people talking on phones or cab drivers waiting in the area, would be heard above the quiet ambient noise levels after midnight.
15. ██████████ also made reference to the experts reports which relates to tests and observations made at an earlier time than the closing times which have been applied for. It is also her view that the effect of a well-managed operation being located in a predominantly residential area, is to attract muggers, drug dealers and rough sleepers.
16. ██████████ made complaint to the Committee that patrons would use residents' gardens as toilets and that she was also concerned about the collection of rubbish at 04.00 hours.
17. In response to questions from the Committee, ██████████ stated that she had not discussed refuse collection with the Applicant, she is also aware that Claridges Hotel, which is located in the area, does not have many events which end after midnight. However, Claridges are good operators and continually work with residents in the vicinity. She advised that there are not many licensed premises with a terminal hour beyond 02:00 in the immediate area but there are a number of residents, who would be disturbed.

18. ██████ then addressed the Committee and confirmed that his concerns on behalf of the residents, related to the excessive hours, conditions, off sales, and activities.
19. ██████ submitted that in the main, conditions have been resolved and agreed with the Environmental Health Officer. However, he would like to prevent smokers from taking drinks into the outside area and the last entry condition to include smokers and patrons making telephone calls. He would also like to see a condition restricting the times for waste disposal and deliveries and preventing off sales at the premises after 2300 hours.
20. ██████ was also concerned that the application included permission for films, live music, indoor sports and questioned whether this was really needed.
21. The Committee were finally directed by ██████ to paragraph 14.42 of the Revised Guidance issued under section 182 of the Licensing Act 2003.
22. In summary ██████, reiterated her concerns about resident's sleep being disturbed. The EHO, explained that a condition relating to waste collection have been agreed and that initially the Applicant required 15 smokers to be allowed in the outside area, but they now agreed to reducing this to 10. He also confirmed to the Committee that a restriction in relation to on and off sales was already agreed as a condition on the proposed premises licence.
23. Counsel for the Applicant, confirmed to the Committee that 10 people using the outside area is acceptable. She agreed that patrons using residents' gardens as a toilet is unpleasant, but the Applicant has installed three additional toilets to the premises.

Decision

24. The Committee has determined an application for a grant of a **NEW** Premises Licence under the Licensing Act 2003. The Committee realises that it has a duty to consider each application on its individual merits. There is no policy presumption to refuse the application that is not within the Cumulative Impact Area provided the licensing objectives are not undermined.
25. The Committee was satisfied that, in accordance with the Licensing Act 2003, Home Office Guidance, Westminster's Licensing Policy and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.
26. The Committee, in its determination of the matter, concluded that the conditions it imposed on the licence were appropriate and proportionate and would promote the licencing objectives.
27. Having carefully considered the committee papers, additional papers and the submissions made by all of the parties, both orally and in writing, **the**

Committee has decided, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives:

1. To grant permission for:

- a. **Live and recorded music (Indoors)** on Sundays 12:00 to 23.30 and Monday to Saturday 07.00 to 01.30

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

- b. **Films (indoors)** Sundays 12:00 to 23.30
Monday to Saturday 07.00 to 01.30

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

- c. **Indoor Sporting events (Indoors)** on Sundays 12:00 to 23.30
and Monday to Saturday 07.00 to 01.30

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

- d. **Late Night Refreshment (Both)** on Sundays 23:00 to 23.30
and Monday to Saturday 23.00 to 01.30

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

- e. **Sale of Alcohol for consumption (on/off) the premises** from
Sundays 12:00 to 23.30 and Monday to Saturday 07.00 to 01.30

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

2. To grant permission for the premises to open to the public on Sundays 12:00 to 00.00 and Monday to Saturday 07.00 to 02.00

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

3. The new premises licence will be subject to any relevant mandatory conditions.

4. The premises licence is subject to the following agreed conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Agreed conditions attached after a hearing by the licensing authority:

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
10. The maximum number of persons, excluding staff, to be present in the licensed premises shall not exceed 270 persons.
11. All licensable activities taking place between 07:00 and 09:00 hours at the premises shall be private events or to customers who have pre-booked. Such events shall be restricted to Champagne and/or Wine, and substantial food and non-intoxicating beverages shall be available.
12. The premises licence holder shall ensure that the premises operates in accordance with an Outdoor Management/Smokers and Dispersal Policy.
13. During the hours of operation, 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.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

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

22. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

23. 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 refusal of sale of alcohol.

24. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.

25. A challenge 21 proof of age scheme shall be operated at the premise where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.

26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

27. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

28. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

31. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

32. No licensable activities shall take place at the premises until premises licence 22/01012/LIPVM has been surrendered and is incapable of resurrection.

33. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons

34. There shall be no admittance or re-admittance to the premises after midnight (00.00 hours) except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).

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

36. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

37. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to 10 persons at any one time.

38. Patrons permitted to temporarily leave and then re-enter the premises (e.g. to smoke, make a phone call) shall not be permitted to take glass containers or consume drinks in the outside area after 00.00.

39. SIA licensed door supervisors, (the number to be calculated by way of a written risk assessment), shall be on duty from 18:00 at the premises whilst it is open for business, and they must correctly display their SIA licence(s) when on duty so as to be visible. A copy of the written risk assessment is to be made available to the Metropolitan Police and/or the Licensing Authority on request.

40. Notwithstanding the SIA condition above (no 39), at least 2 members of door supervisors shall be on duty at the entrance of the premises and patrolling the outside area on Brook Street from 23:00 hours until 30 minutes after the premises close, to supervise and prevent potential nuisance from customers.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
23 June 2022**

Re: application 23/09083/LIPV - MR FOGGS APOTHECARY, BASEMENT, 34 BROOK STREET

Date: 19th Feb 2024

Dear Licensing Sub-Committee,

I am writing in support of the application for Mr Foggs Apothecary.

I am a resident at [REDACTED]. Mayfair. [REDACTED] and I also have a business premises in Mayfair. Having frequented the Mr Foggs Collection of bars. Unlike other establishments which attract a loud and aggressive crowd and impose considerable noise pollution especially over the weekends; Mr Fogg's visitors have always been well mannered in their noise levels.

I have observed first hand that Mr Fogg's has a comprehensive and robust admissions policy whereby any person showing any sign of intoxication will not be permitted entry. Similarly I have also observed the knowledgeable management teams at Mr Fogg's Apothecary which is impeccably handling the quiet disbursement of their guests at closing time.

The Mr Fogg's team are experienced and respectful operators and I feel sure they will be able to positively improve safety for residents and neighbouring businesses.

I would like to offer my full support for their application and I hope Westminster council will approve the extended entry time to 01:00 hours.

Please do not hesitate to contact me if you need any further information.

Yours sincerely,

[REDACTED]

From: [REDACTED]
Date: Fri, 16 Feb 2024, 16:43
Subject: Application for Mr Fogg's Apothecary on Brook Street
To: Ellie Kwong [REDACTED] >

To Whom It May Concern,

I am writing in support of the application for Mr Fogg's Apothecary on Brook Street.

I'm a resident at [REDACTED] in Soho just near Regent Street and a short walk from Brook Street. This part of Mayfair, like Soho, has been my home for nearly a decade.

I never cease to be impressed by the group of Mr Fogg's bars, which consistently make an effort to communicate with their neighbours (Mr Fogg's Gin Bar and Mr Fogg's Pawnbrokers are also close to where I live), create eclectic and thoughtful environments for their clientele, who range from people who work in the arts to those in finance.

Unlike other establishments which attract a loud crowd, Mr Fogg's visitors have always been more subdued clients. I find that this establishment is respectful to both the local residents and the neighbouring area and it is a great shame that they do not allow entry after midnight. I, like other residents, who visit the theatre and cinemas nearby regularly for our pleasure, and to support our local community as well, would love to be able to visit Mr Fogg's Apothecary after dinner - a place where there is specifically not loud music and more of a convivial space where you can enjoy conversation. It is also not a club like Cirque Le Soir, which is down the street from where I live. It is a cosy and excellent addition to the environment, and not just another club attracting noise pollution. It would be very appreciated if they could extend the entry time by just one hour.

Please do not hesitate to contact me if you need any further information.

Yours sincerely,

[REDACTED]

[REDACTED]
London
[REDACTED]

RE: 23/09083/LIPV - MR FOGGS APOTHECARY, BASEMENT, 34 BROOK STREET

Date 19th Feb 2024

To whom it may concern,

My name is [REDACTED] and I am writing an email to express support for Mr Fogg's and their recent premises license application for their bar at 34 Brook Street.

My family and I have been based at [REDACTED] for 20 years and having frequented various venues in the Mr Fogg's Collection, I feel it's very important that they are granted the extended entry hour to at least 1 am at their site on Brook Street.

I find it extremely frustrating, as a customer, that Mr Fogg's Brook Street can be open until 01:30 am however if I turn up to their premises at say 12:05 am they cannot admit me into their bar due to a seemingly nonsensical and draconian license condition.

I regularly dine out in Mayfair and it is not unusual for a restaurant meal to finish at gone midnight which means that (as things currently stand) it is not possible for me to go onto my favourite bar (Mr Fogg's Brook Street) for a nightcap.

Unlike some other establishments (including some 'members' clubs) which can attract a loud and boisterous crowd that can result in noise and nuisance to the area; Mr Fogg's customers have always been well mannered and considerate. Whilst Mr Fogg's is not a members club per se I have nevertheless observed that they have a comprehensive and robust admissions policy whereby any person showing signs of intoxication will not be permitted entry. Similarly I have also observed the knowledgeable and competent management teams at Mr Fogg's Apothecary excellently handling the quiet disbursement of their guests at closing time.

I expect all licensed premises in Mayfair to be able to prevent noise and nuisance and crime and disorder and I have no doubt that the Mr Fogg's team at Brook Street will continue to uphold their excellent record if their last entry time is extended.

The Mr Fogg's team are experienced and respectful operators and I feel sure they will be able to positively improve safety for residents in the area.

I would like to offer my full support for their licensing application and I hope Westminster council will approve this application.

Please do not hesitate to contact me if you need any further information.

Yours sincerely,

[REDACTED]



To whom it may concern,

This is a letter of support for Mr Fogg's.

My name is [REDACTED]. I have resided at my address many years and have seen a few changes of operations at [REDACTED].

Since 2018 when Mr Fogg's House of Botanicals moved into the property, there have been no issues or concerns. I've not encountered any nuisance from the operation nor from their clientele. Unlike other establishments which attract a loud and aggressive crowd and impose considerable noise pollution especially over the weekends; Mr Fogg's visitors have always been well mannered in their noise levels. I can concur that the establishment is respectful to both the local residents and the neighbouring area.

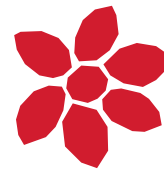
They have a good management team who is committed to ensuring safety to the area as well as not to cause any disturbance or inconvenience, I myself have never needed to escalate a complaint and to my best recollection neither have my neighbours. On occasion you can witness the management teams conversing with local residents, addressing any feedback and concerns to help mitigate any negativity. They've always been helpful, positive and polite during interactions.

I can conclude that Mr Fogg's is a very positive addition to the area and I offer both my recognition and support for all of their future endeavours and means for expansion and development.

Please do not hesitate to contact me if you need any further information.

Yours faithfully,

[REDACTED]



20 April 2022

Letter of Support for Inception Group

Inception Group is very much embedded in the West End & Mayfair community and supports key organisations that aim to enhance the economic prosperity of the area.

New West End Company is the Business Improvement District (BID) for London's West End, representing over 600 retail, hospitality, entertainment and property businesses in and around Oxford Street, Bond Street, Regent Street and Mayfair.

Inception Group work with ourselves and neighbouring Business Improvement District and they have made significant contribution through being Part of the Recruit London Initiative, offering employment opportunities to many Westminster residents across their operations, boosting candidate's confidence and enhancing their job prospects.

Inception Group takes its Corporate & Social Responsibility very seriously and we support their expansion of operations in other part of the City of Westminster.

Yours sincerely

Jace Tyrrell
CHIEF EXECUTIVE



[REDACTED]
To: "INCEPTION [REDACTED] [REDACTED]" >

9 May 2022 at 13:07

Name: [REDACTED]
Address: [REDACTED], London [REDACTED]
Date: 8th May 2022

To whom it may concern,

This is an email of support for Mr Fogg's.

My name is [REDACTED] I am a resident who has resided in Mayfair for over 12 years. Having frequented the Mr Fogg's Collection and being made aware of their expansion plan, I would be happy to support their application to extend trading hours.

The operation is respectful of the residents and neighbouring area, I've not encountered any nuisance from the operation nor from their clientele. They have a good management team who is committed to ensure safety to the patrons and local area.

I offer both my recognition and support for all of their future endeavours.

I always had good experiences when visiting venues.

Yours sincerely,

[REDACTED]

6th April 2022

Re: License application - Submission in support of Mr Fogg's Brook Street venue in Central London, Mayfair

Heart of London Business Alliance serves as the voice for 600 businesses and 100 property owners in the Piccadilly & St James's, Leicester Square & St Martins Lane areas. Our purpose is to support the commercial wellbeing of the businesses we represent, and to ensure our area remains integral to London's West End offer as a place for people to visit, live, trade and work.

We represent the most mature night-time economy area in London where over 400 million visits are made to the West End every year, with some of the world's best entertainment, culture, and hospitality, generating over £10billion in sales.

We strive for the West End to have the most varied and high-quality evening and night-time economy (ENTE) for visitors, workers, and residents.

We continue to promote a responsible night-time economy. Crime and anti-social behaviour (ASB) associated with the ENTE has been something we take seriously, and our frontline street services work closely with the Metropolitan Police and Westminster Council to ensure we create a safe environment for all to enjoy. In fact, strong partnership work and industry standards have made huge progress in this regard.

Based on their St Martins Lane venue which we know well we are satisfied to support their Licence application. Mr Fogg's who we have only known to operate considerately, respecting its neighbours. As far as we're aware there have been no complaints and have only known Mr Fogg's to be an experienced and responsible operator.

We have advised Mr Fogg's that should they be able to demonstrate sufficient operational due diligence and responsible venue management we would be able to support this licencing application in full.

- Support the Westminster Night Stars initiative
- All staff to undertake WAVE and Ask for Angela training.
- Participant on the Best Bar None Business accreditation scheme.
- Participate in our Pubwatch meetings.
- Employ SIA certified door staff.

Mr Fogg's has discussed in much detail about their plans to support the list above and we are satisfied to provide this reference as part of their licence application that they are committed to ensuring sufficient operational due diligence. They have also demonstrated based on their St Martins Lane venue sufficient operational due diligence and responsible management so we would be happy to support this application.

We are grateful for the opportunity to be able to submit this submission in support of Mr Fogg's License application and are happy to provide any further assistance if required.

Yours sincerely

██████████ – Director of Company Operations
Heart of London Business Alliance

Date: 8th April 2022

Re: Support for licence application- Mr Fogg's 22/02758/LIPN

I am writing to express support for Mr Fogg's and their licence application at 34 Brook Street.

I am a resident as well as a business owner in close proximity to the aforementioned premises. Having frequented many of the other Mr Fogg's venues over the years I was delighted to be made aware of their intention to open a new site close to my home.

I believe Mr Fogg's will be a wonderful and positive addition to the area. Mr Fogg's customers have always been well mannered and their style of trading will not adversely impact the area but instead will be an excellent addition.

I have observed that they have an extensive and robust admissions policy whereby any person showing signs of intoxication will not be permitted entry. Similarly I have also observed the knowledgeable management teams at Mr Fogg's impeccably handling the quiet disbursement of their guests at closing time late in the morning after 3am.

Furthermore, with Mr Fogg's occupying the premises in a usually dark and quiet street on South Molton Lane, I believe with the operation trading until late in the morning will help to act as a deterrent for any potential illicit or unsavoury behaviour that might otherwise happen down the area.

Mr Fogg's is an award winning brand famed for the high quality of its innovative drinks, food, and immaculate service standards and I am certain they will be able to unquestionably improve safety for residents and neighbouring businesses not to mention making the area more welcoming.

I can conclude that Mr Fogg's is a very positive addition to the area and I offer both my recognition and support for all of their future endeavours and means for expansion and development.

Please do not hesitate to contact me if you need any further information.

Yours sincerely,





GROSVENOR

To Whom it May Concern,

We would like to write a letter in support of the recent premises license application made by our tenant Mr Fogg's at 34 Brook Street.

We are delighted to welcome Mr Fogg's to the Grosvenor estate and prior to their appointment as tenants we undertook the necessary due diligence on their operations and we were extremely impressed by their professionalism and attention to detail with regards to the management of their other premises within Westminster.

There are already four Mr Fogg's venues operating in Westminster and all of these locations are a mix of commercial and residential areas so we have no doubt that the team behind Mr Fogg's understands the importance of running an establishment in a sensitive and considerate manner.

We understand that their existing Mr Fogg's on Bruton Lane has been trading very successfully and without any incidents since they opened their doors in 2013.

As a significant landlord within Mayfair, where we have a multitude of residential and commercial property, we do not have any concerns that the recent Mr Fogg's license application, requesting extended trading hours, would result in any noise and nuisance or crime and disorder within the area.

We are happy to provide this reference as part of their application that sufficient operational due diligence has been considered. We are aware that Mr Fogg's Collection supports and participates in the following:

- Support the Westminster Night Stars initiative
- Venue management team undertake WAVE and Ask for Angela training.
- Participant in the Best Bar None Business accreditation scheme.
- Participate in our Pubwatch meetings.
- Employ SIA certified door staff.

We are grateful for the opportunity to submit this letter in support of Mr Fogg's and are happy to provide any further assistance if required.

We hope that the council are minded to grant this application.

Your faithfully,

Piers Townley
Mayfair Director
Grosvenor Property UK



Schedule 12
Part A

WARD: West End
UPRN: 010033590754

**City of
Westminster**

Regulation 33, 34

64 Victoria Street, London, SW1E 6QP

Premises licence

Premises licence number:

24/00115/LIPDPS

Original Reference:

22/02758/LIPN

Part 1 – Premises details

Postal address of premises:

Mr Foggs Apothecary
Basement
34 Brook Street
Mayfair
London
W1K 5DN

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Saturday: 07:00 to 01:30
Sunday: 12:00 to 23:30

Indoor Sporting Event

Monday to Saturday: 07:00 to 01:30
Sunday: 12:00 to 23:30

Performance of Live Music

Monday to Saturday: 07:00 to 01:30
Sunday: 12:00 to 23:30

Playing of Recorded Music

Monday to Saturday: 07:00 to 01:30
Sunday: 12:00 to 23:30

Late Night Refreshment

Monday to Saturday:	23:00 to 01:30
Sunday:	23:00 to 23:30
Sale by Retail of Alcohol	
Monday to Saturday:	07:00 to 01:30
Sunday:	12:00 to 23:30
Seasonal Details for all of the above:	
From the end of permitted hours of New Year's Eve to the start of permitted hours on New Year's Day.	

The opening hours of the premises:	
Monday to Saturday:	07:00 to 02:00
Sunday:	12:00 to 00:00

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

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

Part 2

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

Brook Street Bar Limited
10 Queen Street Place
London
United Kingdom
EC4R 1AG

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

12154897

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

Name: Quentin Louviot

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: 861168
Licensing Authority: London Borough of Southwark

Date: 23 January 2024



Signed:
This licence has been authorised by Miss Roxsana Haq on behalf of the Director - Environment, Climate & Public Protection (ECPP)

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
12. The maximum number of persons, excluding staff, to be present in the licensed premises shall not exceed 270 persons.
13. All licensable activities taking place between 07:00 and 09:00 hours at the premises shall be private events or to customers who have pre-booked. Such events shall be restricted to Champagne and/or Wine, and substantial food and non-intoxicating beverages shall be available.
14. The premises licence holder shall ensure that the premises operates in accordance with an Outdoor Management/Smokers and Dispersal Policy.
15. During the hours of operation, 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.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
19. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
21. 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.
22. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
24. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

25. 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 refusal of sale of alcohol.
26. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
27. A challenge 21 proof of age scheme shall be operated at the premise where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be
33. conspicuous.
34. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
35. No licensable activities shall take place at the premises until premises licence 22/01012/LIPVM has been surrendered and is incapable of resurrection.
36. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
37. There shall be no admittance or re-admittance to the premises after midnight (00.00 hours) except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).
38. There shall be no sales of alcohol for consumption off the premises after 23.00 hours
39. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
40. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to 10 persons at any one time.
41. Patrons permitted to temporarily leave and then re-enter the premises (e.g. to smoke, make a phone call) shall not be permitted to take glass containers or consume drinks in the outside area after 00.00.

42. SIA licensed door supervisors, (the number to be calculated by way of a written risk assessment), shall be on duty from 18:00 at the premises whilst it is open for business, and they must correctly display their SIA licence(s) when on duty so as to be visible. A copy of the written risk assessment is to be made available to the Metropolitan Police and/or the Licensing Authority on request.
43. Notwithstanding the SIA condition above (no 42), at least 2 members of door supervisors shall be on duty at the entrance of the premises and patrolling the outside area on Brook Street from 23:00 hours until 30 minutes after the premises close, to supervise and prevent potential nuisance from customers.

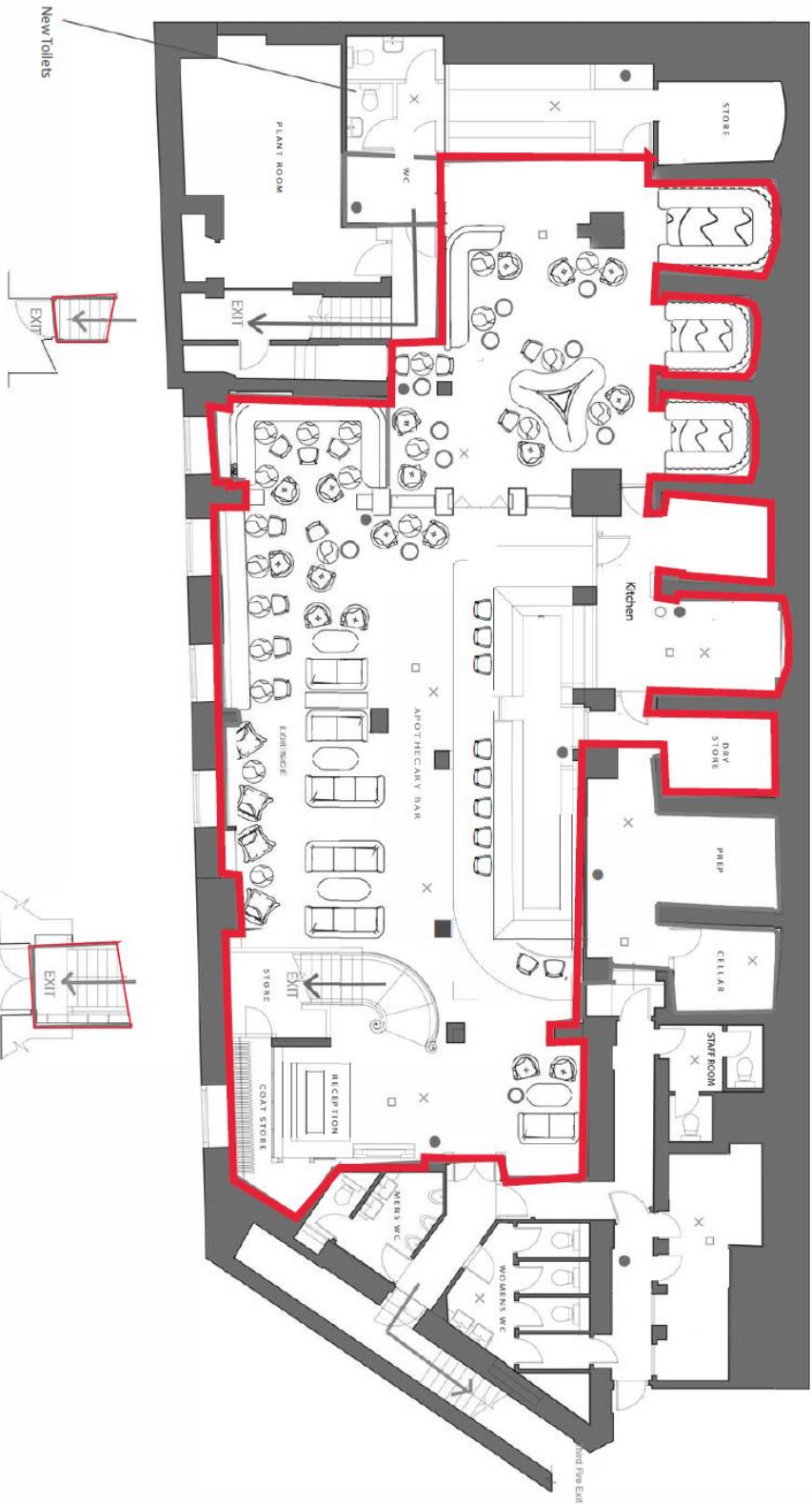
Annex 4 – Plans

MR FOGGS | LONDON | MAYFAIR | BADSTUDIOS.CO.UK

- FIRE EXTINGUISHER
- FIRE BLANKET
- ✕ FIRE DETECTOR
- SOUNDER

■ FRONT OFFICE SECOND ENTRANCE

THESE PLANS ARE FOR INFORMATION ONLY AND DO NOT REPRESENT A CONTRACT. THE CLIENT ACCEPTS THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT ACCEPTS THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE CLIENT ACCEPTS THAT THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.



3D

Mr Foggs's Apothecary, 34 Brook Street

PROPOSED EDA
2023/04/27/2531/001



City of Westminster

Schedule 12
Part B

WARD: West End
UPRN: 010033590754

Regulation 33, 34

64 Victoria Street, London, SW1E 6QP

Premises licence summary

Premises licence number:

24/00115/LIPDPS

Part 1 – Premises details

Postal address of premises:

Mr Foggs Apothecary
Basement
34 Brook Street
Mayfair
London
W1K 5DN

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Saturday: 07:00 to 01:30
Sunday: 12:00 to 23:30

Indoor Sporting Event

Monday to Saturday: 07:00 to 01:30
Sunday: 12:00 to 23:30

Performance of Live Music

Monday to Saturday: 07:00 to 01:30
Sunday: 12:00 to 23:30

Playing of Recorded Music

Monday to Saturday: 07:00 to 01:30
Sunday: 12:00 to 23:30

Late Night Refreshment

Monday to Saturday: 23:00 to 01:30
Sunday: 23:00 to 23:30

Sale by Retail of Alcohol

Monday to Saturday: 07:00 to 01:30
Sunday: 12:00 to 23:30

Seasonal Details for all of the above:

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

The opening hours of the premises:

Monday to Saturday: 07:00 to 02:00
Sunday: 12:00 to 00:00

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

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

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

Brook Street Bar Limited
10 Queen Street Place
London
United Kingdom
EC4R 1AG

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

12154897

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

Name: Quentin Louviot

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

Restricted

Date: 23 January 2024



Signed:

This licence has been authorised by Miss Roxsana Haq on behalf of the Director - Environment, Climate & Public Protection (ECPP)

Application History

Application	Details of Application	Date Determined	Decision
22/02758/LIPN	New premises licence application	23.06.2022	Granted in full by Licensing Sub-Committee
23/02752/LIPVM	Minor variation application to replace Condition 37 with the following conditions:- There shall be no admittance or re-admittance to the premises after 01:00 hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call) The applicant has discussed the application with both the police and environmental health consultation team. There are no increases in hours or licensable activities being sought. Discussed with Police Licensing Team and Mr Ian Watson of the environmental health consultation team.	19.05.2023	Refused
23/03958/LIPV	Full Variation to amend Condition 37 as follows: There shall be no admittance or re-admittance to the premises after 01:00 hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call) There are no increases in hours or licensable activities being sought.	14.06.2023	Application withdrawn by applicant
23/04850/LIPDPS	Vary DPS	16.08.2023	Granted by delegated authority
24/00115/LIPDPS	Vary DPS	23.01.2024	Granted by delegated authority

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
12. The maximum number of persons, excluding staff, to be present in the licensed premises shall not exceed 270 persons.
13. All licensable activities taking place between 07:00 and 09:00 hours at the premises shall be private events or to customers who have pre-booked. Such events shall be restricted to Champagne and/or Wine, and substantial food and non-intoxicating beverages shall be available.
14. The premises licence holder shall ensure that the premises operates in accordance with an Outdoor Management/Smokers and Dispersal Policy.
15. During the hours of operation, 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.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
19. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
21. 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.

22. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
24. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
25. 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 refusal of sale of alcohol.
26. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
27. A challenge 21 proof of age scheme shall be operated at the premise where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be
33. conspicuous.
34. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
35. No licensable activities shall take place at the premises until premises licence

22/01012/LIPVM has been surrendered and is incapable of resurrection.

36. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
37. There shall be no admittance or re-admittance to the premises after midnight (00.00 hours) except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).

To be replaced with:

37. There shall be no admittance or re-admittance to the premises after 01.00 hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).
38. There shall be no sales of alcohol for consumption off the premises after 23.00 hours
39. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
40. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to 10 persons at any one time.
41. Patrons permitted to temporarily leave and then re-enter the premises (e.g. to smoke, make a phone call) shall not be permitted to take glass containers or consume drinks in the outside area after 00.00.
42. SIA licensed door supervisors, (the number to be calculated by way of a written risk assessment), shall be on duty from 18:00 at the premises whilst it is open for business, and they must correctly display their SIA licence(s) when on duty so as to be visible. A copy of the written risk assessment is to be made available to the Metropolitan Police and/or the Licensing Authority on request.

To be replaced with:

42. SIA licensed door supervisor(s), (the number to be calculated by way of a written risk assessment), shall be on duty from 18:00 (when required) at the premises whilst it is open for business, and they must correctly display their SIA licence(s) when on duty so as to be visible. A copy of the written risk assessment is to be made available to the Metropolitan Police and/or the Licensing Authority on request.
43. Notwithstanding the SIA condition above (no 42), at least 2 members of door supervisors shall be on duty at the entrance of the premises and patrolling the outside area on Brook Street from 23:00 hours until 30 minutes after the premises close, to supervise and prevent potential nuisance from customers.

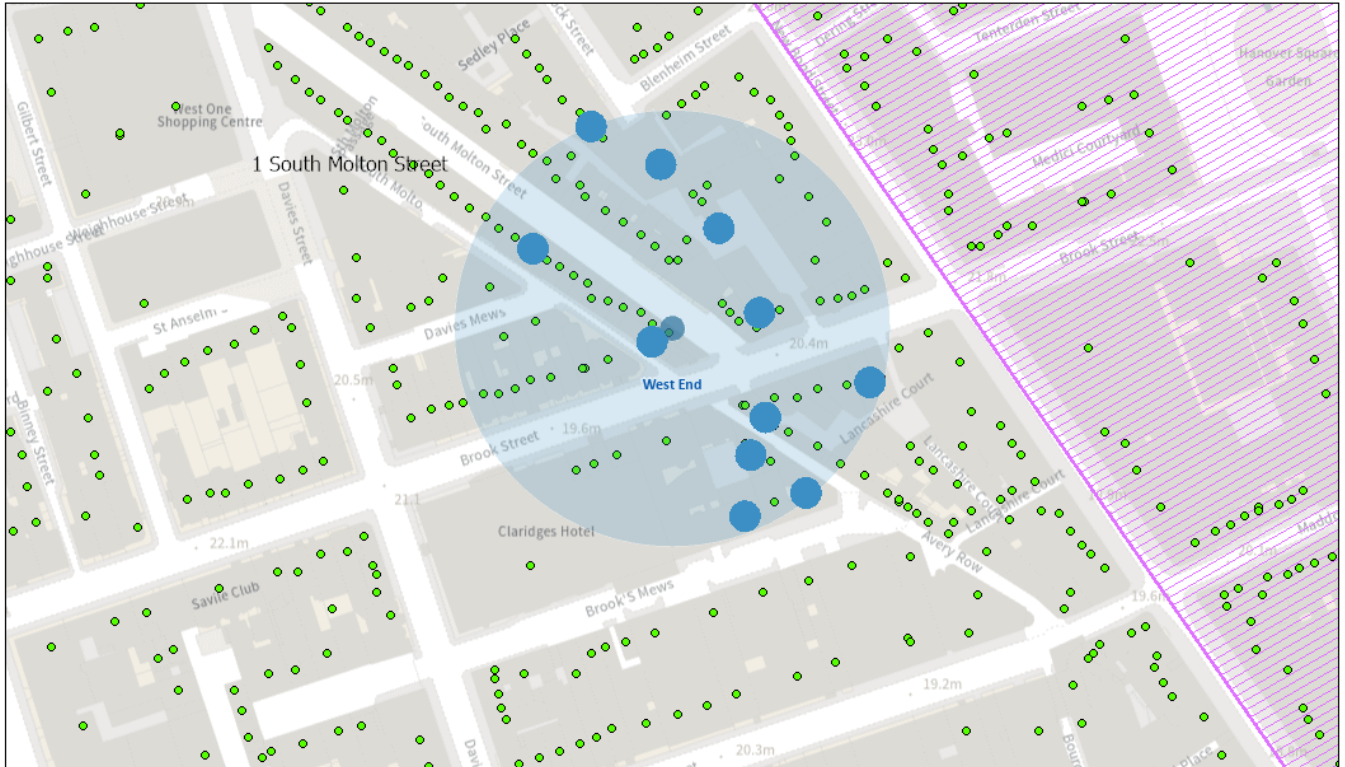
To be replaced with:

43. Notwithstanding the SIA condition above (no 42), at least 2 members of door supervisors shall be on duty at the entrance of the premises and patrolling the outside area on Brook Street from 23:00 hours until 30 minutes on Fridays and Saturdays after the premises close, to supervise and prevent potential nuisance from customers.

Residential Map and List of Premises in the Vicinity

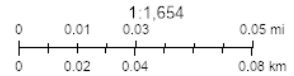
Appendix 5

BASEMENT, 34, BROOK STREET, MAYFAIR, LONDON, W1K 5DN



16/02/2024, 10:56:10

- Property Mailing List
- Ward Boundaries
- Ward Labels
- Special Consideration Zones



Resident Count: 23

Licensed premises within 75 metres of Basement, 34, Brook Street, Mayfair, London, W1K 5DN				
Licence Number	Trading Name	Address	Premises Type	Time Period
24/00115/LIPDPS	Mr Foggs Apothecary	Basement 34 Brook Street Mayfair London W1K 5DN	Public house or pub restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 07:00 - 02:00
23/07678/LIPN	Not Recorded	Second Floor 34 Brook Street Mayfair London W1K 5DN	Not Recorded	Monday to Sunday; 07:00 - 22:00
23/07679/LIPN	Not Recorded	Third Floor 34 Brook Street Mayfair London W1K 5DN	Office	Monday to Sunday; 07:00 - 22:00

06/03942/WCCMAP	Ikeda Japanese Restaurant	Basement And Ground Floor 30 Brook Street Mayfair London W1K 5DJ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/03325/LIPDPS	Bonhams	3 Haunch of Venison Yard London W1K 5SS	Auction Rooms	Sunday; 12:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
21/02830/LIPN	Not Recorded	Basement And Ground Floor 20 Avery Row London W1K 4AT	Food store	Monday; 07:00 - 23:00 Tuesday; 07:00 - 23:00 Wednesday; 07:00 - 23:00 Thursday; 07:00 - 23:00 Friday; 07:00 - 23:00 Saturday; 07:00 - 23:00 Sunday; 07:00 - 23:00
20/09601/LIPN	Browns	39 Brook Street Mayfair London W1K 4JE	Not Recorded	Monday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00
23/03152/LIPN	11-12 South Molton Street	11 South Molton Street London W1K 5QL	Restaurant	Friday to Saturday; 09:00 - 00:30 Sunday to Thursday; 09:00 - 00:00
14/01662/LIPVM	Bonhams	Blenstock House 7 Blenheim Street London W1S 1LG	Auction Rooms	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
22/00528/LIPDPS	The Bath & Racquets Club	49 Brook's Mews London W1K 4EB	Private sports centre (no pool)	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
07/07013/WCCMAP	Handel House	Handels House 25 Brook Street Mayfair London W1K 4HB	Museums & Art Galleries	Sunday; 09:00 - 18:00 Monday to Saturday; 09:00 - 20:00
21/14210/LIPRW	LPM	54 Brook's Mews London W1K 4EG	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30

16/14245/LIPDPS	Chisou	Basement And Ground Floor 22 Woodstock Street London W1C 2AP	Restaurant	Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 01:30
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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	29 February 2024
Licensing Ref No:	23/09171/LIPV - Premises Licence Variation
Title of Report:	Jeru 11 Berkeley Street London W1J 8DS
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	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:	18 December 2023		
Applicant:	11 Berkeley Street Ltd		
Premises:	Jeru		
Premises address:	11 Berkeley Street London W1J 8DS	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	Mayfair
Premises description:	The premises operates as a restaurant with ancillary bars and bakery/patisserie.		
Variation description:	<p>This variation seeks the following:</p> <ul style="list-style-type: none"> To extend the terminal hour for licensable activities to midnight Sunday to Wednesday and to 01.00 on Thursday. To vary condition 50 and 51 as shown in section 1-D. 		
Premises licence history:	<p>The premises has had the benefit of premises licence since 2016 which is still in place (22/07913/LIPRW).</p> <p>A new premises licence was granted in 2021 however, it was surrendered in November 2023 (23/04503/LIPDPS).</p> <p>A new premises licence was granted in September 2023 (23/03922/LIPN) and is proposed to be varied as part of this application.</p> <p>A copy of the full premises and Temporary Event Notice history can be found at Appendix 3.</p>		
Applicant submissions:	There are no submissions from the applicant.		
Applicant amendments:	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	00:00	Basement, Ground floor & First floor	No change
Tuesday	23:00	23:30	23:00	00:00		
Wednesday	23:00	23:30	23:00	00:00		
Thursday	23:00	23:30	23:00	01:00		
Friday	23:00	01:00	23:00	01:00		
Saturday	23:00	01:00	23:00	01:00		
Sunday	N/A	N/A	N/A	N/A		
Seasonal variations: Non-standard timings:	Current: Sundays before bank holidays to be 22:30 to midnight.				Proposed: No change	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	N/A	N/A	N/A	N/A	Basement, Ground floor & First floor	No change
Tuesday	N/A	N/A	N/A	N/A		
Wednesday	N/A	N/A	N/A	N/A		
Thursday	N/A	N/A	23:00	01:00		
Friday	23:00	01:00	23:00	01:00		
Saturday	23:00	01:00	23:00	01:00		
Sunday	N/A	N/A	N/A	N/A		
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	23:00	00:00	Basement, Ground floor & First floor	No change
Tuesday	23:00	23:30	23:00	00:00		
Wednesday	23:00	23:30	23:00	00:00		
Thursday	23:00	23:30	23:00	01:00		
Friday	23:00	01:00	23:00	01:00		
Saturday	23:00	01:00	23:00	01:00		
Sunday	N/A	N/A	23:00	00:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Sundays before bank holidays to be 23:00 to midnight.			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	23:30	10:00	00:00	Basement, Ground floor & First floor	No change
Tuesday	10:00	23:30	10:00	00:00		
Wednesday	10:00	23:30	10:00	00:00		
Thursday	10:00	23:30	10:00	01:00		
Friday	10:00	01:00	10:00	01:00		
Saturday	10:00	01:00	10:00	01:00		
Sunday	12:00	22:30	12:00	00:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Sundays before bank holidays to be 12:00 to midnight.			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	23:30	07:00	00:00	Basement, Ground floor & First floor	No change
Tuesday	07:00	23:30	07:00	00:00		
Wednesday	07:00	23:30	07:00	00:00		
Thursday	07:00	23:30	07:00	01:00		
Friday	07:00	01:00	07:00	01:00		
Saturday	07:00	01:00	07:00	01:00		
Sunday	07:00	22:30	07:00	00:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		N/A			N/A	

1-C Layout alteration
There are no proposed changes to the layout.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
50. The number of persons permitted in the premises (excluding staff) on Monday-Thursday, Friday-Saturday until midnight and Sunday shall not exceed: Ground Floor: 90 persons Basement: 90 persons First Floor: 150 persons	50. The number of persons permitted in the premises (excluding staff) on Monday-Wednesday, Thursday-Saturday until midnight and Sunday shall not exceed: Ground Floor: 90 persons Basement: 90 persons First Floor: 150 persons
51. The number of persons permitted in the premises (excluding staff) on Friday-Saturday from midnight until 1am shall not exceed 180 persons.	51. The number of persons permitted in the premises (excluding staff) on Thursday-Saturday from midnight until 1am shall not exceed 180 persons.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	03 January 2024
<p>I refer to the variation application for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking the following variation</p> <ol style="list-style-type: none"> 1. Performance of live music indoors Thursday to Saturday 23:00 – 01:00 hours 2. Playing of recorded music indoors at the following times Monday – Wednesday 23:00 – 00:00 hours Thursday to Saturday 23:00 – 01:00 hours Sundays before bank holidays: 22:30 – 00:00 hours 3. Provision of late-night refreshment at the following times Sunday – Wednesday 23:00 – 00:00 hours Thursday to Saturday 23:00 – 01:00 hours Sundays before bank holidays: 23:00 – 00:00 hours 4. Supply of alcohol for consumption on & off the premises at the following times Monday – Wednesday 10:00 – 00:00 hours Thursday to Saturday 10:00 – 01:00 hours Sunday 12:00 – 00:00 hours 	

Sundays before bank holidays: 12:00 – 00:00 hours

5. Amend condition 50 which currently read

The number of persons permitted in the premises (excluding staff) on Monday-Thursday, Friday-Saturday until midnight and Sunday shall not exceed:

Ground Floor: 90 persons

Basement: 90 persons

First Floor: 150 persons

To read

The number of persons permitted in the premises (excluding staff) on Monday-Wednesday,

Thursday-Saturday until midnight and Sunday shall not exceed:

Ground Floor: 90 persons

Basement: 90 persons

First Floor: 150 persons

6. Amend condition 52 which currently reads

The number of persons permitted in the premises (excluding staff) on Friday-Saturday from midnight until 1am shall not exceed 180 persons

To read

The number of persons permitted in the premises (excluding staff) on Thursday-Saturday from midnight

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

The application was not accompanied by an appropriate risk assessment to demonstrate that the amendments sought would not lead to increased risk of public nuisance and compromise public safety in the area.

On this occasion, applicant has a responsibility to demonstrate how the proposed amendments would not make the premises a destination premises especially on Thursdays (applicant intends to operate after midnight) when most premises in the vicinity limited by the council's core hours are closed.

The hours sought are outside the council's core hours, which for ease of reference are as below

- Monday to Thursday: 9am to 11.30pm.
- Friday and Saturday: 9am to Midnight.
- Sunday: 9am to 10.30pm.
- Sundays immediately prior to a bank holiday: 9am to Midnight.

Core hours are an essential element to ensure businesses can operate for a reasonable period whilst protecting the impact on the licensing objectives

Given that the hours sought are beyond core hours, the applicant is required to demonstrate how customers will disperse from the premises and the area within their operating schedule. This has not been done and it raises a risk of public nuisance and/or public safety.

For the above reasons, I make a representation on ground of public nuisance and public safety

risk to the application.

Please contact me if you wish to discuss the above further.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	12 January 2024		
RSMSJ as the recognised Amenity Society for the area wishes to support the objections made by local residents. The premises are situated in the SCZ and we do not believe that the applicant has adequately shown that they have taken steps to indicate how an increase in public nuisance will be avoided.			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	10 January 2024		
<p>[REDACTED] strongly objects to the new licence application '23/09171/LIPV' (11 Berkeley Street London W1J 8DS) on grounds of 'prevention of public nuisance' and 'prevention of crime and disorder'. [REDACTED] and has a very close proximity to these premises, which are located at 11 Berkeley street.</p> <p>The application is the latest in a series of applications which individually do not move the dial that much but taken together constitutes significant extensions to hours, activities and capacities.</p> <p>We strongly object to extension of the hours in this new application. The request is of great concern to our residents who have been plagued over the years by a huge increase in noise, nuisance, anti-social behaviour and other problems, caused by the number of late night licensed premises within a small area. Berkeley Street and its environs are under stress as a result of the number of licensed premises, including a significant number of new premises licences over the years. This has led to Berkeley Street being identified by a detailed study in 2016 as an area with all the characteristics of a 'cumulative impact area', and, more recently, as an area of concern under the City Council's recent 'cumulative impact assessment'. As a result of the latter, the area has been designated as a 'Special Consideration Zone' ("SCZ").</p> <p>[REDACTED] have been relatively successful in recent years at keeping licence hours in Berkeley Street within reasonable bounds – this will go against that and the extension of hours proposed would act as an unfortunate precedent for the area.</p> <p>Further, it is not clear how the application to extend the hours Mon to Thu, complies with the Special Consideration Zone policy for Berkeley Street. This states that:</p> <p>The local issues that need to be considered by applicants are: • General crime. • Noise nuisance (noise). • Incidents relating to ambulance call outs at night to the locations of licensed</p>			

premises for intoxication, injury related to intoxication and/or assault.

The policy states that 'The Licensing Authority has created this policy to alert future licensing applicants to the importance of taking such significant local issues fully into account in their operating schedules, by particularising the steps that they are proposing to take to promote the licensing objectives in light of those issues in addition to all other matters. This policy will apply to areas of the city that were, until recently a Cumulative Impact Zone, or show significant level of incident rates that are above the borough average but are not yet linked to cumulative impact. This policy aims to prevent areas that have a high concentration of licensed premises and significant levels of incidents from reverting to or becoming a Cumulative Impact Zone.'

There is an absence of any indication that the applicant has considered these points.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	10 January 2024		

[REDACTED]

I strongly object based grounds of this will further increase 'public nuisance' and exacerbate the feeling of insecurity through increased 'crime and disorder'.

Public Nuisance

It has been sad to see Berkeley Street continue to be overly commercialized. It has become a less friendly and welcoming residential location.

This slow slide is felt acutely in the evenings, as cars begin to clog the street for parking and their drivers loiter for hours, often crowded into doorways [REDACTED], waiting the return of their clients. Cigarette butts and used coffee cups are reminders of their presence in the morning.

The roar of the supercars that prowl the street is the most disconcerting. [REDACTED] [REDACTED] has become unusable for sleep. Horns, with blasts sometimes lasting over a minute, by inconvenienced drivers stopped by those picking up or waiting for nightclub departees, keeps us from any type of slumber.

The pedicabs multiply with their noise with the very loud music to attract the drunken customers exiting nightclubs.

Crime and disorder

As the commercialization increases, so does the feeling of insecurity. Especially to those who feel vulnerable. There are often large groups of young men, and while mostly safe, often make unwarranted comments.

The commercialization attracts those who are less fortunate and seek to solicit handouts. While I cannot be sure, I have noticed these groups to be organized and working with each other. I have seen them all together [REDACTED] as if they are organizing before they disburse to their specific location [REDACTED]. At times, their aggressive behavior is frightening. I have seen fist fights between those fighting over begging 'turf'.

Conclusion

Berkely St is becoming more commercialized and with it a loss of neighborhood as safety and public nuisance issues are driving residents away from the area. Just spend any night after 10pm, especially in the summer, and you will understand.

3. Policy & Guidance

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

	<p>arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.</p> <p>2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am</p> <p>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.</p> <p>4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
Policy RNT1 applies	A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

	<ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Existing premises licence 23/03922/LIPN
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	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	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Environmental Health Service representation	03 January 2024
6	Interested party representation (1)	12 January 2024
7	Interested party representation (2)	12 January 2024
8	Interested party representation (3)	10 January 2024

There are no supporting documents from the applicant.



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

Schedule 12
Part A

WARD: West End
UPRN: 100023473522

Premises licence

Regulation 33, 34

Premises licence number:

23/03922/LIPN

Original Reference:

23/03922/LIPN

Part 1 – Premises details

Postal address of premises:

Jeru
11 Berkeley Street
London
W1J 8DS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Live Music

Friday to Saturday: 23:00 to 01:00

Playing of Recorded Music

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 01:00

Seasonal Details: Hours on Sundays before bank holidays to be 22:30 to midnight

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 01:00

Seasonal Details: Sundays before bank holidays 23:00 to midnight

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 22:30

Seasonal Details: Sundays before bank holidays 12:00 to midnight

The opening hours of the premises:

Monday to Thursday: 07:00 to 23:30
Friday to Saturday: 07:00 to 01:00
Sunday: 07:00 to 22:30

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:**

11 Berkeley Street Ltd
11 Berkeley Street
London
W1J 8DS

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

12430535

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

Name: Mr Roy Ner

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: 23-330721-1
Licensing Authority: The Royal Borough Of Kensington And Chelsea

Date: 8 November 2023

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

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. Except for the ground floor holding bar hatched area (the bakery/patisserie) the premises shall operate as a restaurant:
- i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only
 - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
 - iv) Which do not provide any takeaway service of food or drink for immediate consumption
 - v) Which do not provide any takeaway service of food or drink after 23:00
 - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

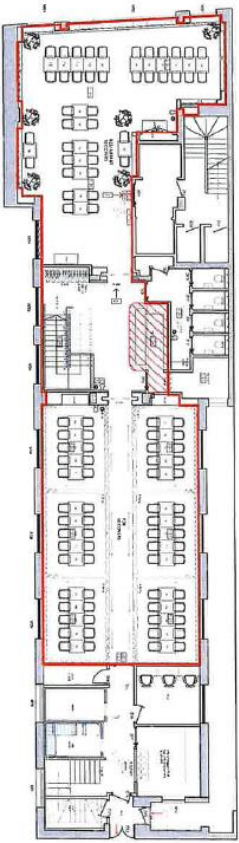
Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

11. Notwithstanding the above condition, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar areas hatched red on the plan, prior to and after their meal until 23:30 hours when the areas will become a holding area.
12. The supply of alcohol for consumption on the premises within the holding areas shall only be to persons seated.
13. 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.
14. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23:00 hours.
15. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
16. There shall be no supply of alcohol for consumption 'Off' the premises after 23:00 hours.
17. 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 are 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.
18. 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.

19. 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.
20. The smoking area for patrons shall be restricted to the private terrace shown on the plan. The capacity of the smoking area is limited to 10 persons.
21. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the plan.
22. Patrons permitted to temporarily leave and then re-enter the premises at ground floor level shall not be permitted to take drinks or glass containers with them.
23. There shall be no smoking on the street immediately outside the premises.
24. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance.
25. There shall be no admittance or re-admittance to the premises after 23:30 hours.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
27. After 21:00 hours each day there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
28. 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 crime reported to the venue (b) all ejections of patrons (c) any complaints received regarding crime and disorder (d) any incidents of disorder (e) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service
29. 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.
30. External doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
31. Loudspeakers shall not be located in the entrance lobby or outside the premises building, including any external terraces.
32. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

34. The approved arrangement at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
36. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
38. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
39. 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.
40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
41. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
42. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
43. With the exception of fresh produce, deliveries to the premises shall only take place between the hours of 07:30 hours and 12:00 hours (midday) Monday to Saturday and between 09:00 hours and 12:00 hours Sundays and Bank Holidays.
44. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
45. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
46. The Premises Licence Holder shall facilitate a Dispersal Policy which shall include the following provisions: (a) staff and door supervisors to control a slow stream of customers and guests leaving the premises. (b) staff and door supervisors to encourage guests to leave the area quickly and quietly. (c) staff to provide guests with details on transport options and directions for onward travel. (d) notices will be prominently displayed at exits requesting guests to respect the needs of local residents and to leave the area quietly, in a considerate manner, directing them towards Piccadilly. (e) staff and security will remain on duty at the premises until 30 minutes after closing time to assist with the safe dispersal of guests. (f) guests will be encouraged to remain inside the premises if waiting for taxis, Ubers or chauffeur cars.
47. A copy of the Premises Dispersal Policy shall be made readily available at the premises for inspection by a Police Officer and/or an authorised officer of the Council.

48. After 21:00 hours at least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business. At any time that the first floor is in use from 21:00 hours onwards, there shall be at least 1 additional SIA licensed door supervisor on duty at the premises.
49. Live music shall only be performed on the lower ground floor.
50. The number of persons permitted in the premises (excluding staff) on Monday-Thursday, Friday-Saturday until midnight and Sunday shall not exceed:
Ground Floor: 90 persons
Basement: 90 persons
First Floor: 150 persons
51. The number of persons permitted in the premises (excluding staff) on Friday-Saturday from midnight until 1am shall not exceed 180 persons.



1 Proposed First Floor Licensing Plan
Scale: 1:100
 Total First Floor Covers 100

KEY / FIRE DETECTION / PROTECTION

NOTES

1. All finishes are to conform to the required applicable country.
2. The Contractor must verify all fire specifications and report any discrepancies to the Architect before proceeding with any work.
3. All fire alarm and detection systems are to be installed in accordance with the applicable Building Regulations and the relevant British Standards.
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KEY

1	Fire Alarm Control Panel	200mm
2	Fire Alarm Sounder	200mm
3	Fire Alarm Call Point	150mm
4	Fire Alarm Call Point	150mm
5	Fire Alarm Call Point	150mm
6	Fire Alarm Call Point	150mm
7	Fire Alarm Call Point	150mm
8	Fire Alarm Call Point	150mm
9	Fire Alarm Call Point	150mm
10	Fire Alarm Call Point	150mm

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NOTES

This plan has not been surveyed. Do not scale from drawing. Contractor to check all site conditions. Fire safety symbols shown are indicative. Existing fire safety has not been surveyed.

Job Details

Architect: ARIN
 11 Bouverie Street, London W1D 3DS
 Telephone: 020 7424 2222
 Email: info@arin.co.uk
 Project: Proposed Licensing Plan
 Drawing: 01-01
 Date: 01/10/2024

ARIN
 International
 0796092926



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

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 100023473522

Regulation 33, 34

Premises licence
number:

23/03922/LIPN

Part 1 – Premises details

Postal address of premises:

Jeru
11 Berkeley Street
London
W1J 8DS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Live Music

Friday to Saturday: 23:00 to 01:00

Playing of Recorded Music

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 01:00

Seasonal Details: Hours on Sundays before bank holidays to be 22:30 to midnight

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 01:00

Seasonal Details: Sundays before bank holidays 23:00 to midnight

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 22:30

Seasonal Details: Sundays before bank holidays 12:00 to midnight

The opening hours of the premises:

Monday to Thursday: 07:00 to 23:30
Friday to Saturday: 07:00 to 01:00
Sunday: 07:00 to 22:30

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:

11 Berkeley Street Ltd
11 Berkeley Street
London
W1j 8DS

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

12430535

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

Name: Mr Roy Ner

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

Restricted

Date: 8 November 2023

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

Premises licence 22/07913/LIPRW

Application	Details of Application	Date Determined	Decision
16/01829/LIPN	<p>New Premises Application</p> <p>Playing of Recorded Music Monday to Thursday: 09:00 to 23:30 Friday to Saturday: 09:00 to 00:00 Sunday: 09:00 to 23:30 Sundays before Bank Holidays: 09:00 to 00:00</p> <p>Late Night Refreshment Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00 Sundays before Bank Holidays: 23:00 to 00:00</p> <p>Sale by Retail of Alcohol Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30 Sundays before Bank Holidays: 10:00 to 00:00</p>	21.04.2016	Granted by Licensing Sub-Committee
21/06277/LIPT	Application to transfer premises licence from Berkeley Eats Ltd to 11 Berkeley Street Limited	22.07.2021	Granted Under Delegated Authority
21/11127/LIPVM	Minor variation: To vary the layout of the premises	26.10.2021	Granted Under Delegated Authority
21/11855/LIPDPS	Application to vary Designated Premises Supervisor	15.11.2021	Granted Under Delegated Authority
21/13083/LIPT	Application to transfer premises licence from 11	30.11.2021	Granted Under Delegated Authority

	Berkeley Street Limited to 88 Hudson Ltd		
22/01659/LIPVM	Minor variation: To Permit an opening hour of 07:00 Monday to Saturday for service of breakfast	08.03.2022	Granted Under Delegated Authority
22/07913/LIPRW	Removal of a works condition	19.08.2022	Granted Under Delegated Authority

Premises licence 23/04503/LIPDPS

Application	Details of Application	Date Determined	Decision
21/08226/LIPN	<p>New Premises Application</p> <p>Playing of recorded music Monday – Thursday 09:00 - 23:30 Friday - Saturday 09:00 to 01:00</p> <p>Late night refreshment Monday - Thursday 23:00 - 23:30 Friday - Saturday 23:00 to 01:00</p> <p>Sale by retail of alcohol Monday - Thursday 10:00 - 23:30 Friday – Saturday 10:00 to 01:00 Sunday 12:00 – 22:30</p>	03.02.2022	Granted Under Delegated Authority
22/07331/LIPVM	Permit opening hour of 07:00 Monday to Saturday for service of breakfast.	14.08.2022	Granted Under Delegated Authority
22/07347/LIPDPS	Application to vary Designated Premises Supervisor	16.08.2022	Granted Under Delegated Authority
23/00536/LIPT	Application to transfer premises licence from 88 Hudson Limited to 11 Berkeley Street Limited	20.02.2023	Granted Under Delegated Authority
23/02945/LIPDPS	Application to vary Designated Premises Supervisor	19.05.2023	Granted Under Delegated Authority

23/04503/LIPDPS	Application to vary Designated Premises Supervisor	01.06.2023	Granted Under Delegated Authority
23/04503/LIPDPS	Application to vary Designated Premises Supervisor	20.07.2023	Granted Under Delegated Authority <i>Licence surrendered November 2023</i>

Premises licence 23/03922/LIPN

Application	Details of Application	Date Determined	Decision
23/03922/LIPN	<p>New premises licence</p> <p>Live Music Friday-Saturday: 11pm-1am</p> <p>Recorded Music Monday-Thursday: 11pm-11:30pm Friday-Saturday: 11pm-1am Sundays before bank holidays: 10:30pm-midnight</p> <p>Late Night Refreshment Monday-Thursday: 11pm-11:30pm Friday-Saturday: 11pm-1am Sundays before bank holidays: 11pm-midnight.</p> <p>Sale by Retail of Alcohol Monday-Thursday: 10am-11:30pm Friday-Saturday: 10am-1am Sunday: Noon-10:30pm Sundays before bank holidays: Noon-midnight.</p>	07.09.2023	Granted by Licensing Sub-Committee

Application	Details of Application	Date Determined	Decision
23/00735/LITENP	Application to operate 11.2.23 01:00 to 02:30	08.02.2023	Event allowed to proceed
23/00736/LITENP	Application to operate 05.3.23 01:00 to 02:30	08.02.2023	Event allowed to proceed
23/00870/LITENP	Application to operate 18.2.23 01:00 to 02:30	15.02.2023	Event allowed to proceed
23/05153/LITENP	Application to operate 10.10.23 23:30 to 03:00	09.08.2023	Event allowed to proceed
23/08144/LITENP	Application to operate 22.11.23 23:30 to 03:00	16.11.2023	Event allowed to proceed
23/08435/LITENP	Application to operate 06.12.23 23:30 to 01:00	24.11.2023	Event allowed to proceed
23/08545/LITENP	Application to operate 07.12.23 23:30 to 01:00	29.11.2023	Event allowed to proceed
23/08663/LITENP	Application to operate 31.12.23 22:30 to 03:00	01.12.2023	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. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. Except for the ground floor holding bar hatched area (the bakery/patisserie) the premises shall operate as a restaurant:
- i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only
 - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
 - iv) Which do not provide any takeaway service of food or drink for immediate consumption
 - v) Which do not provide any takeaway service of food or drink after 23:00
 - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

11. Notwithstanding the above condition, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar areas hatched red on the plan, prior to and after their meal until 23:30 hours when the areas will become a holding area.
12. The supply of alcohol for consumption on the premises within the holding areas shall only be to persons seated.
13. 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.
14. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23:00 hours.
15. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
16. There shall be no supply of alcohol for consumption 'Off' the premises after 23:00 hours.
17. 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 are 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.

18. 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.
19. 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.
20. The smoking area for patrons shall be restricted to the private terrace shown on the plan. The capacity of the smoking area is limited to 10 persons.
21. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the plan.
22. Patrons permitted to temporarily leave and then re-enter the premises at ground floor level shall not be permitted to take drinks or glass containers with them.
23. There shall be no smoking on the street immediately outside the premises.
24. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance.
25. There shall be no admittance or re-admittance to the premises after 23:30 hours.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
27. After 21:00 hours each day there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
28. 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 crime reported to the venue (b) all ejections of patrons (c) any complaints received regarding crime and disorder (d) any incidents of disorder (e) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service
29. 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.
30. External doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
31. Loudspeakers shall not be located in the entrance lobby or outside the premises building, including any external terraces.
32. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No

additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
34. The approved arrangement at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
36. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
38. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
39. 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.
40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
41. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
42. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
43. With the exception of fresh produce, deliveries to the premises shall only take place between the hours of 07:30 hours and 12:00 hours (midday) Monday to Saturday and between 09:00 hours and 12:00 hours Sundays and Bank Holidays.
44. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
45. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
46. The Premises Licence Holder shall facilitate a Dispersal Policy which shall include the following provisions: (a) staff and door supervisors to control a slow stream of customers and guests leaving the premises. (b) staff and door supervisors to encourage guests to leave the area quickly and quietly. (c) staff to provide guests with details on transport options and directions for onward travel. (d) notices will be prominently displayed at exits requesting guests to respect the needs of local residents and to leave the area quietly, in a considerate manner, directing them towards Piccadilly. (e) staff and security will remain on duty at the premises until 30 minutes after closing time to assist with the safe dispersal of guests. (f) guests will be encouraged to remain inside the premises if waiting for taxis, Ubers or chauffeur cars.

47. A copy of the Premises Dispersal Policy shall be made readily available at the premises for inspection by a Police Officer and/or an authorised officer of the Council.
48. After 21:00 hours at least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business. At any time that the first floor is in use from 21:00 hours onwards, there shall be at least 1 additional SIA licensed door supervisor on duty at the premises.
49. Live music shall only be performed on the lower ground floor.
50. The number of persons permitted in the premises (excluding staff) on Monday-Thursday, Friday-Saturday until midnight and Sunday shall not exceed:
Ground Floor: 90 persons
Basement: 90 persons
First Floor: 150 persons

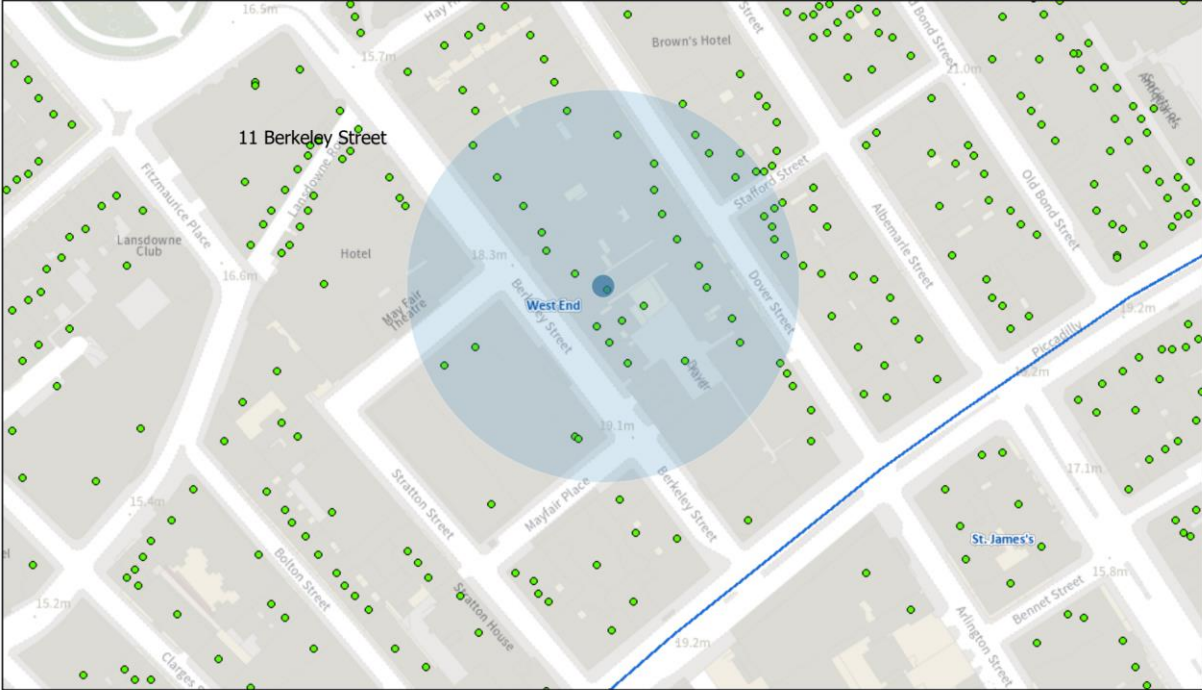
Condition 50 is proposed to be varied by the applicant as follows:

50. The number of persons permitted in the premises (excluding staff) on Monday-Wednesday, Thursday-Saturday until midnight and Sunday shall not exceed:
Ground Floor: 90 persons
Basement: 90 persons
First Floor: 150 persons
51. The number of persons permitted in the premises (excluding staff) on Friday-Saturday from midnight until 1am shall not exceed 180 persons.

Condition 51 is proposed to be varied by the applicant as follows:

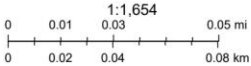
51. The number of persons permitted in the premises (excluding staff) on Thursday-Saturday from midnight until 1am shall not exceed 180 persons.

11 Berkeley Street, London, W1J 8DS



15/02/2024, 13:04:07

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident count: 49

Licensed premises within 75 metres of 11 Berkeley Street, London, W1J 8DS				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/07913/LIPRW	Shadow Licence	11 Berkeley Street London W1J 8DS	Premises Licence - Shadow Licence	Sunday; 09:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 01:00 Sundays before Bank Holidays; 09:00 - 00:00
21/06202/LIPN	Not Recorded	Ground Floor 11 Berkeley Street London W1J 8DS	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
23/03922/LIPN	Jeru	11 Berkeley Street London W1J 8DS	Restaurant	Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 01:00
23/06333/LIPVM	SHOT London	10A Berkeley Street London W1J 8DR	Cafe	Monday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 00:00

23/05190/LIPVM	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Club or institution	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00
23/06618/LIPDPS	Il Borro	Ground Floor 15 Berkeley Street London W1J 8DY	Restaurant	Monday; 09:00 - 02:30 Tuesday; 09:00 - 02:30 Wednesday; 09:00 - 02:30 Thursday; 09:00 - 02:30 Friday; 09:00 - 02:30 Sunday; 12:00 - 00:00
23/03277/LIPDPS	Luxx	15 - 16 Berkeley Street London W1J 8DY	Restaurant	Monday; 09:00 - 03:30 Tuesday; 09:00 - 03:30 Wednesday; 09:00 - 03:30 Thursday; 09:00 - 03:30 Friday; 09:00 - 03:30 Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00
16/00681/LIPV	Novikov	50A Berkeley Street London W1J 8HA	Office	Monday to Sunday; 07:00 - 02:00
23/01569/LIPDPS	Sainsburys Local	38 Stratton Street London W1J 8LT	Food store	Monday to Sunday; 07:30 - 05:00
23/00933/LIPDPS	Bagatelle	Basement And Ground Floor Dover House 34 Dover Street London W1S 4NG	Restaurant	Monday; 09:00 - 01:00 Tuesday; 09:00 - 01:00 Wednesday; 09:00 - 01:00 Thursday; 09:00 - 01:00

				Friday; 09:00 - 01:00 Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:30
23/04834/LIPDPS	Park Chinois	Basement And Ground Floor 17 Berkeley Street London W1J 8EA	Restaurant	Sunday; 10:00 - 00:00 Monday to Saturday; 08:00 - 02:00



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	29 February 2024
Licensing Ref No:	23/08735/LIPN - New Premises Licence
Title of Report:	House of Cans Ground Floor Front 12 D'Arblay Street London W1F 8DU
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	29 November 2023		
Applicant:	House Of Cans Ltd		
Premises:	House of Cans		
Premises address:	Ground Floor Front 12 D'Arblay Street London W1F 8DU	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application form the premises will operate primarily as a specialist, can-only off-licence focussed on premium, small-batch produced beers, wine, cider, cocktails and soft drinks.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	<p>The ground floor front retail unit at 12 D'Arblay St is a narrow, rectangular space accessed externally by a door to the front left. An internal door to the rear right corner of the unit leads to a corridor which runs adjacent and that leads to the WC facility that will service the shop.</p> <p>Fridges will line the walls with a front-facing counter installed opposite the entrance.</p> <p>Limited internal seating will be available for consumption of on sales. The plan also includes to leverage the precedent set by neighbouring hospitality businesses and include in our footprint an unobstructive, removable external table and seating directly outside.</p> <p>The intention is to make the unit fully accessible however the siting of the WC, which cannot be relocated without impinging on and/or compromising the already fairly restricted unit space, means that, along with steps to and within the premises, this is not practically achievable.</p> <p>A large part of House of Cans' business model revolves around sustainability, aluminium cans being infinitely recyclable, lighter to transport and with a lower melting point than glass, and so bear a smaller carbon footprint.</p>		
Applicant amendments:	<p>Following consultation, the applicant has reduced the terminal hour for the sale of alcohol and the closing time from 23:00 to 21:00.</p> <p>The hours as now applied for are set out at section 1-B below.</p>		

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	21:00	21:00	21:00	21:00	21:00	21:00	21:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Reaz Guerra
Received:	13 December 2023
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives. The premises is located within the West End Cumulative Impact Zone.</p> <p>There is insufficient detail within the operating schedule to promote the Licensing Objectives.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p>	
Responsible Authority:	Environmental Health
Representative:	Kudzaishe Mondhlani
Received:	13 December 2023
<p>I refer to the application for a new Premises Licence.</p> <p>The premises are located within the West End CIZ as stated in the City of Westminster's Statement of Licensing Policy.</p>	

This representation is based on the operating schedule and proposed plans submitted.
The applicant is seeking the following.

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Sunday between 12:00 and 23:00 hours.

I wish to make the following representation.

1. The supply of alcohol may have the likely effect of causing an increase in Public Nuisance in West End CIZ and may also impact on Public Safety.

The granting of the application as presented may have the likely effect of causing an increase in Public Nuisance in the West End CIZ and may also impact on Public Safety.

Additional EH conditions may be proposed to uphold the licensing objectives. Should you wish to discuss the matter further please do not hesitate to contact me.

Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	13 December 2023

I write in relation to the application submitted for a new premises licence for Ground Floor Front, 12 D'Arblay Street, London, W1F 8DU.

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:

Supply of Alcohol On and Off Premises

Monday to Sunday 12:00 to 23:00

Opening Hours to Public

Monday to Sunday 12:00 to 23:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HSR1, PB1 and SHP1.

The Licensing Authority notes within the operating schedule that the premises intends to operate primarily as a specialist, can-only off licence focussed on small-batch produced beers, ciders, wines, cocktails and soft drinks. It is also noted that operating hours applied for licensable activities currently fall within Westminster's core hours under the HRS1 Policy.

The applicant has not provided much detail within the operating schedule in regard to the premises and there is no ancillary nature to the way alcohol is sold. As the application stands it must be considered under Westminster's PB1 Policy (B).

The Licensing Authority require the applicant to provide further submissions on how the supply of alcohol will be controlled and monitored and in particular addressing the following:

1. Is alcohol sold by way of waiter/waitress service or will they purchase at a bar area?
2. In regard to the 'On Sale's, Will customers be drinking seated or by way of vertical drinking?
3. How many people can fit on the premises?
4. What will the ABV of the beers?
5. Will any food be sold?

The applicant has stated within the operating schedule that the premises is a specialist off-licence with on sales. The Licensing Authority would propose model condition 86 below.

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a specialist, can-only off licence.

Agreeing the above condition could potentially allow the premises to fall within our SHP1 policy clause C 2 which states

2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop.

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

It is noted the applicant has proposed a number of conditions within their operating schedule. Model Condition 91 has been proposed but there is no hatched area on the plan, please can the applicant explain why this one is needed?

The applicant has proposed MC 17 within their operating schedule but this contradicts MC18. Would the applicant consider the varied condition below to cover the tables and chairs outside plus the off sales.

1. All sales of alcohol for consumption off the premises shall either be a) in sealed containers and shall not be consumed on the premises, or b) consumed outside the premises building by patrons seated at tables appropriately authorised.

The Licensing Authority would like the applicant to provide further submissions to the questions above to be able to assess any further relevant policy considerations.

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

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

Please accept this as a formal representation.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		Soho Society	
Status:	Valid	In support or objection:	OBJECTION
Received:	23 Dec 2023		
<p>We object to this application for a new off licence which includes on sales in the West End Cumulative Impact Zone. We know it is common practice for individuals or groups to purchase alcohol in stores, wander round Soho, or gather in a public place, drink on the street, become inebriated, and cause noise and bad behaviour including street urination. The application also proposes a new bar in Soho which will allow people to drink without the consumption of food on and off the premises at tables and chairs, adding even more people in an area already saturated with a huge number of alcohol licences.</p> <p>We are also concerned at the lost of another retail shop this time Goulds, a general hardware store which has served the local community for years is now turning into another alcohol led outlet in Soho.</p> <p>Soho is at the heart of the West End's food, beverage and entertainment district with its 491 licensed premises, the demand for licensed premises in the West End and Soho shows no tendency to reduce, from 2020 to November 2023, 51 new alcohol licences have been granted with a capacity of over 4,245. It comes as no surprise that the infrastructure cannot cope with the vast number of people in the area at night, the consequences being the highest crime rates in Westminster, high levels of public nuisance including anti-social behaviour and noise disturbance which prevents residents from sleeping at night.</p> <p>The Committee will be aware the premises is situated within the West End Cumulative Impact Zone and the onus is on the applicant to demonstrate they will not increase cumulative impact and will promote the licensing objectives.</p> <p>Increasing the number of licensed premises or the extension of current licences in the West End CIZ is highlighted in the recently approved Cumulative Impact Assessment 2023, it confirms crime levels in Westminster has reached pre-COVID levels and since the last Cumulative Impact Assessment 2020 crimes have concentrated even further in the West End. It states,</p> <p><i>'West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough.'</i> The modelling shows a 50% increase in undesirable behaviours from any new OR extended licence. The figures also suggest a 26% in reported theft for each additional licence issued for whatever type of venue: club , restaurant or café.</p> <p>The evidence is clear any addition in the number of hours, the number of people consuming alcohol, the number of licensed premises will fail to promote the licensing objectives and increase cumulative impact. It concludes with a proposed new Licensing Authority Statement which states;</p> <p><i>'It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact</i></p>			

assessment prior to its final approval and publication.’ (our emphasis) (Appendix 1 Cumulative Impact, Appendix 2 Crime and Disorder).

We are very concerned with the ever increasing negative impact on residents of the addition of even more licensed premises. Residents have been subjected to noise disturbance and anti-social behaviour that are beyond acceptable levels. They are disturbed by the late night activity as people walk by (often shouting, or arguing), noise from pedicabs, car doors slamming, horns hooting, people vomiting and urinating in the street and in their doorways. Residents are also often disturbed even if an establishment is not located directly on their street, as customers (often noisy and intoxicated) leave premises and either carry on their night out in Soho or make their way home.

We know many residents experience sleep disturbance, the Soho Society conducted a survey which confirms that residents are disturbed by noise at night, and say that this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% of whom have lived in Soho for more than ten years.

When asked about disturbed sleep, 24% of respondents say they have their sleep disturbed seven nights a week, 16% five or six nights a week, and 19% three or four nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents’ quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho. 60% of respondents agreed that noise nuisance and sleep deprivation is “adversely impacting my health” and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

It is against this backdrop the Licensing Committee is asked to approve a new off licence with on sales with all the evidence showing this will increase cumulative impact, crime and disorder and public nuisance. The applicant has to demonstrate they will not add to cumulative impact and will promote the licensing objectives, they have failed to do so and we respectfully request this application be refused.

The Application New premises licence

To operate primarily as a specialist, can only off licence focussed on premium, small batch produced beers, wine, cider, cocktails and soft drinks. Limited internal seating for consumption of on sales. Outdoor tables and chairs.

Sale of Alcohol : Monday - Sunday: 12:00 - 23:00.

On sales until 21:00 / Off sales until 23:00

Opening Hours : Monday - Sunday: 12:00 - 23:00 **Capacity** : unknown

The Interested Party has submitted further supporting evidence which appears at appendix 3.

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,

	<p>after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application as defined within this policy are:</p> <p>8. Restaurants</p> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p>
<p>Policy SHP1(B) applies</p>	<p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence

4. Equality Implications

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

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

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

5. Appendices

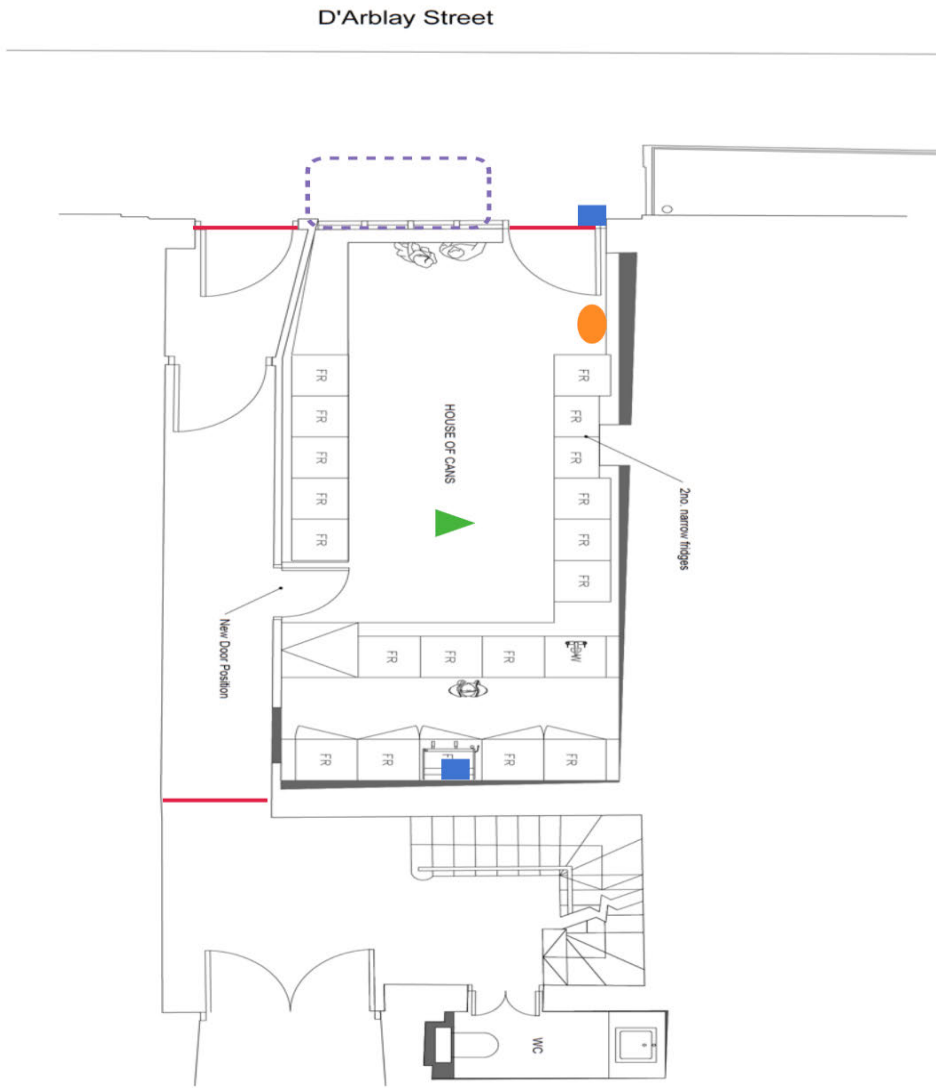
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Interested Party supporting documents
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk






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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Metropolitan Police Service representation	13 December 2023
6	Environmental Health representation	13 December 2023
7	Licensing Authority representation	13 December 2023
8	Interested Party representation	23 December 2023



House of Cans D'Arblay Street - Proposed

-  = single step level change
-  = fire extinguisher point (IX CO2 IX H2O)
-  = ceiling mounted smoke detector point
-  = CCTV camera location, wall mounted
-  = proposed, removable outdoor seating



IN THE WESTMINSTER LICENSING SUB-COMMITTEE
APPLICATION FOR A NEW PREMISES LICENCE

HOUSE OF CANS
12 D'ARBLAY STREET
LONDON
W1F 8DU

APPLICANT'S SUPPORTING BUNDLE
INDEX

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IN THE WESTMINSTER LICENSING SUB-COMMITTEE

APPLICATION FOR A NEW PREMISES LICENCE

**HOUSE OF CANS
12 D'ARBLAY STREET
LONDON
W1F 8DU**

PROPOSED HOURS AND DRAFT CONDITIONS

REVISED HOURS

Sale by Retail of Alcohol/Opening Hours

- Midday to 9pm – Sunday to Saturday

PROPOSED DRAFT CONDITIONS

Model Conditions

Use Conditions:

- MC86 The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a specialist retailer selling craft alcohol products in cans for customers to take away.
- MC93 The consumption of alcohol on the premises shall cease at 9pm.
- MC37 The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons.

Operational Conditions:

- MC64 No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
- MC24 A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

- MC27 All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
- MC28 Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
- MC32 There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
- MC33 Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

Additional Conditions

1. There shall be no more than 10 persons consuming alcohol on the premises at any one time, save for when such persons are attending a tasting event, when the number of persons shall be increased to no more than 20.
2. Deliveries shall only be made to a bonafide residential or business addresses.
3. No persons under the age of 18 shall be allowed in the shop.
4. Modified MC57 Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take alcohol with them.
5. Modified MC29 No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for craft/premium beers and ciders, cocktails and wines supplied in cans.



House of Cans - D'Arblay Street, Soho, Proposal for Westminster Council Licensing

February 19th 2024



Contents

- About Us
- Our Founders
- Why Cans?
- House of Cans - our product
- House of Cans - dedicated to physical retail and collaboration
- Our Collaborations
- The Soho Context
- Some Google reviews - the best and worst
- Our Plans for Soho



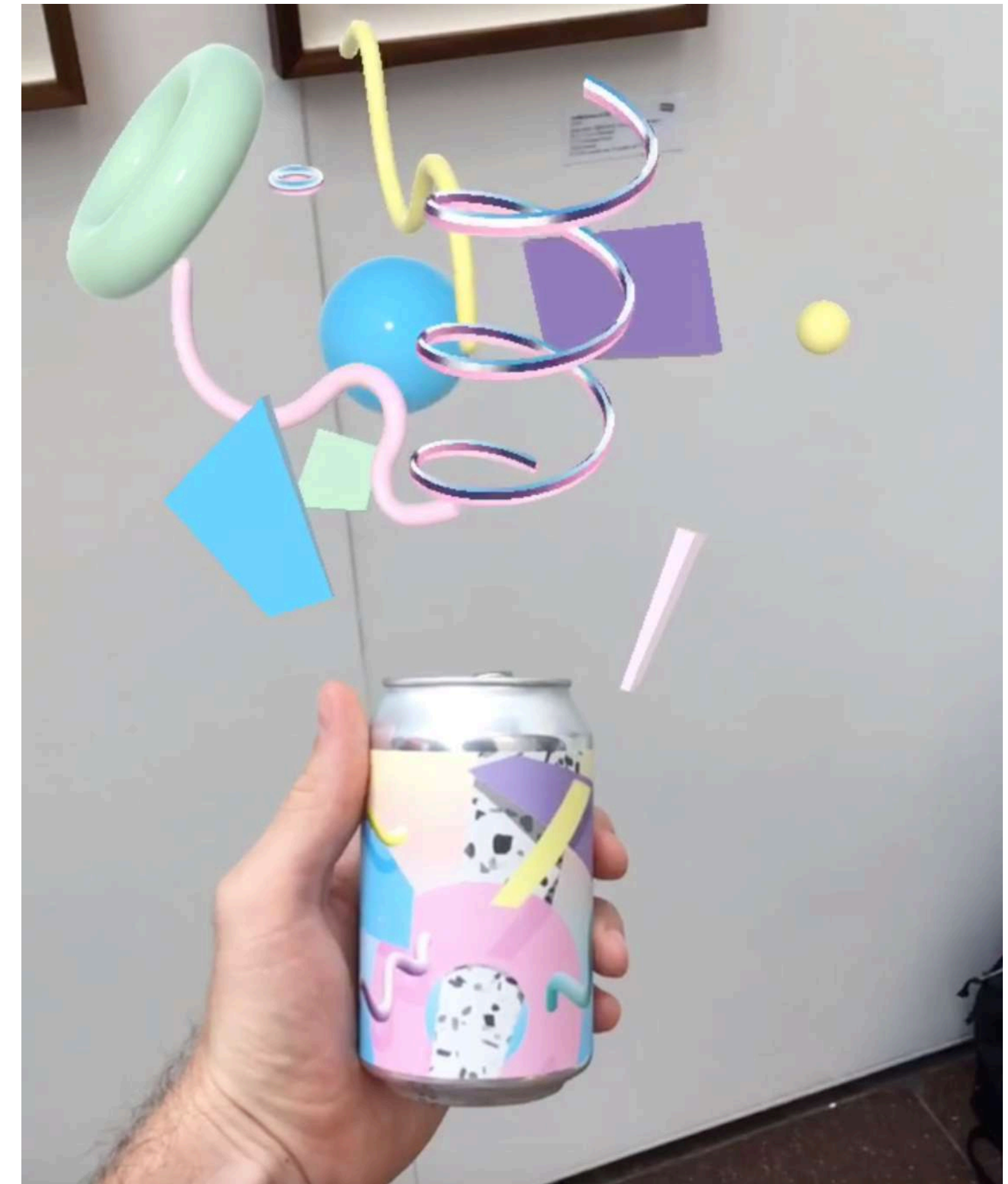
About Us

House of Cans was founded in 2018 around creativity, sustainability and a belief in excellent product sold. Alongside our broad retail offering we work with artists, illustrators and drinks producers to curate one-off custom and limited edition cans, predominantly for communities, brands and events. This focus on art and cans extends to how we present ourselves in store and ensures customer's immediate perception is that we aren't just another off-license.

Our very deliberate focus on cans (we do NOT sell glass bottled products) is not only for reasons of presentation and, increasingly, product quality and freshness, but to promote sustainability - to leverage the fact cans are infinitely recyclable, lighter and have a much smaller carbon footprint than glass while also ensuring less product is wasted at the point of filling.

The products we sell are of a premium nature which means they carry a premium price. Our lowest cost can, outside of our soft and zero alcohol range, is £5 for a 2.5% shandy and our highest priced product costs £12 per individual can (440ml).

House of Cans retails a specialist product and service to a specific audience, therefore providing an amenity to the workers and residents of Soho. Our intention is to become a responsible and engaged member of the Soho shop community.



One of our first ever collaborations was for The Other Art Fair, with Augmented Reality artwork





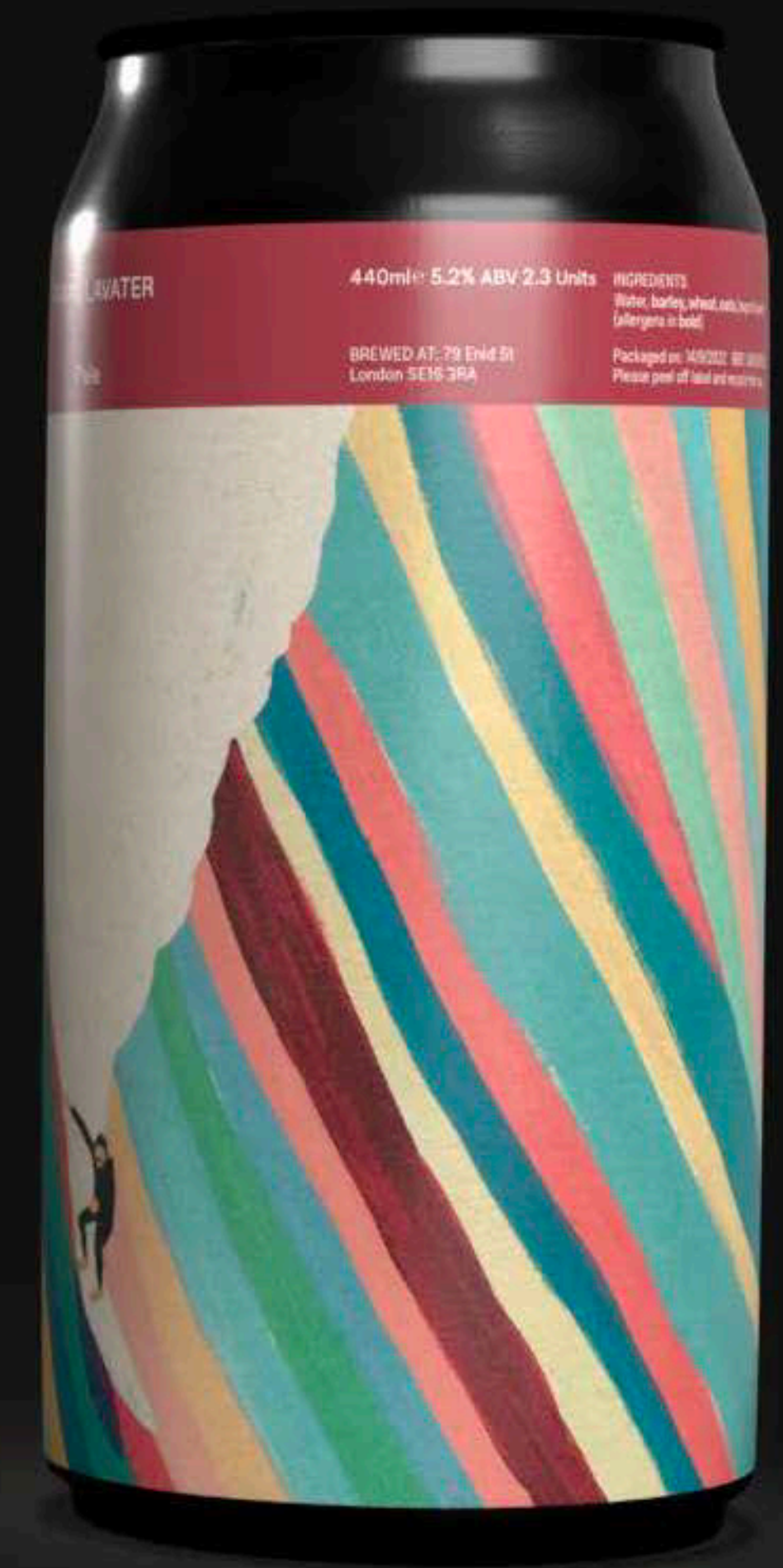
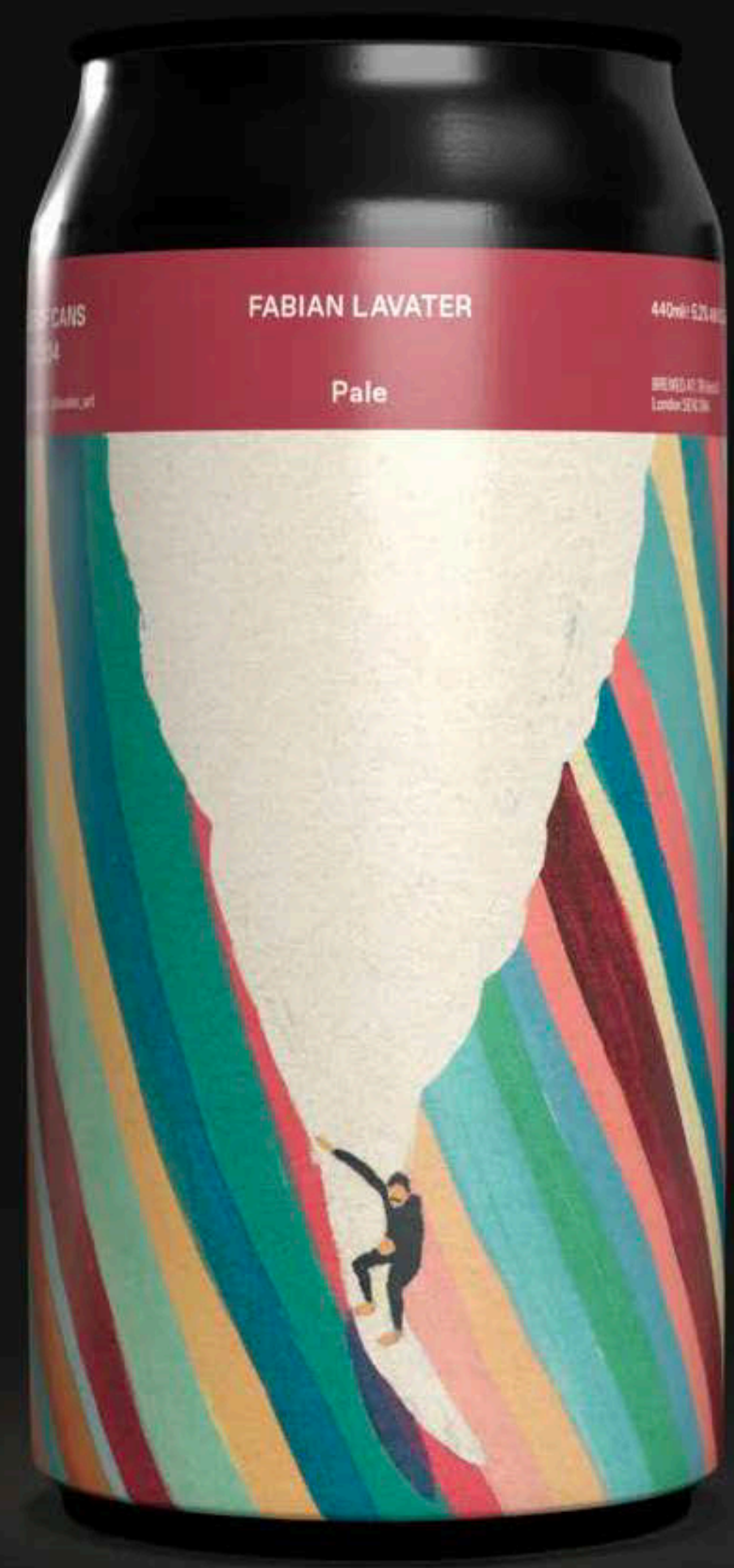
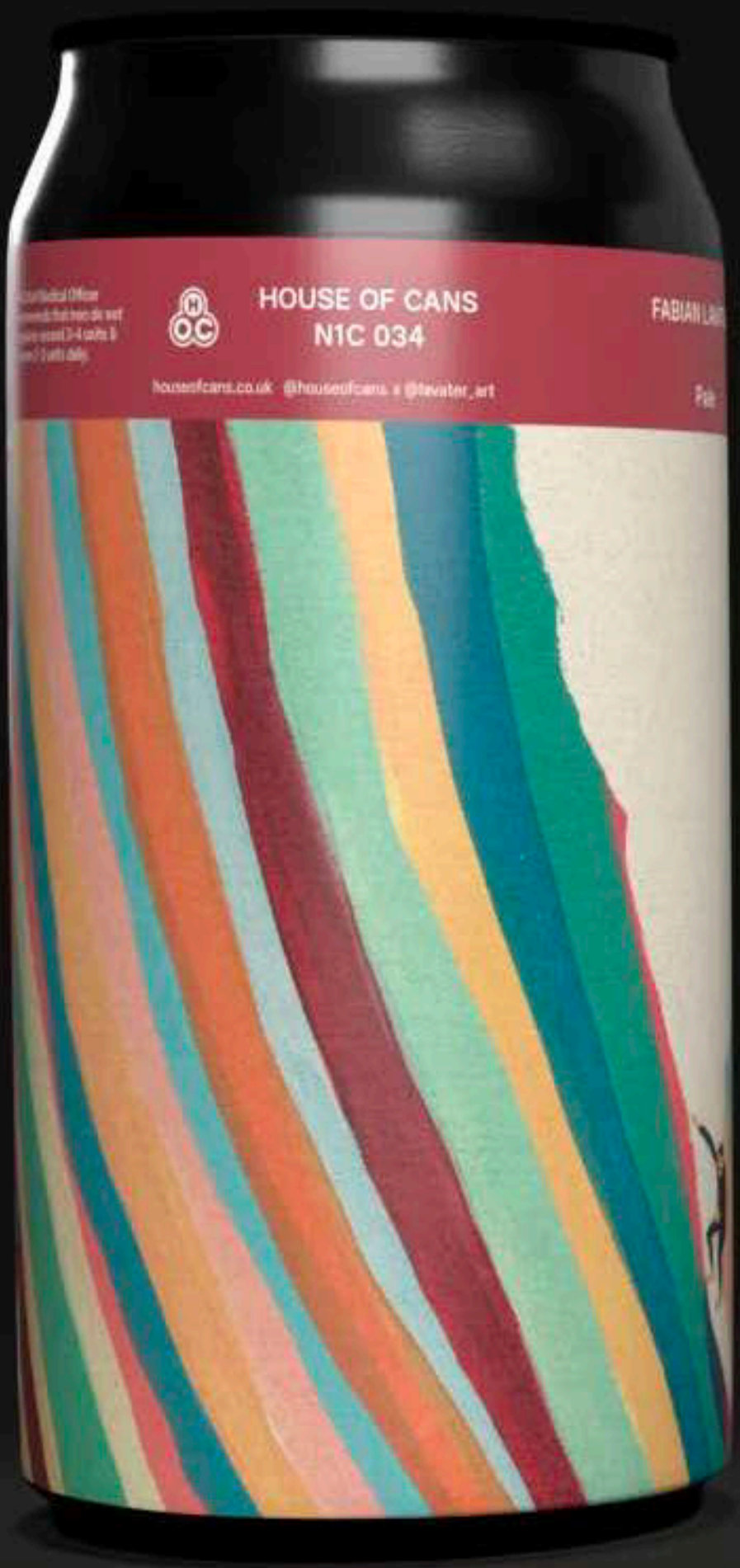
Our Founders

House of Cans was founded in 2018 by Fraser Shand and James Bowthorpe; the inspiration for House of Cans was discovered in the specialist bars of the Golden Gai, an area of Tokyo with tiny bars that cater to specific audiences interested in premium products. The King's Cross House of Cans off-licence and bar has been operating in King's Cross ever since, including throughout COVID when possible, building a dedicated audience of customers and fans.

Fraser Shand has worked in the London fashion retail for over two decades. In addition to House of Cans, Fraser is also the co-founder of UK clothing brand Folk Clothing (est. 2002), with shops throughout London. Fraser is a highly experienced retailer and has also recently launched a creativity-driven clothes store called Imprint.

James Bowthorpe has worked in the creative industries since coming to London in 2001. He is the founder and owner of the world's first B Corp certified placemaking agency, Applied Research Creative Studio (a-r-c-s). Amongst other placemaking projects, James was part of the team that launched Coal Drops Yard shopping centre in King's Cross and a-r-c-s continues to manage Lower Stable Street in King's Cross after 6 years.





Why Cans?

page 185



- Lighter than glass bottles, reduces carbon in transport
- Aluminium is infinitely recyclable, glass is not
- Aluminium has a lower melting temperature than glass, making aluminium recycling less energy intensive
- Aluminium does not create dangerous waste when it (rarely) breaks
- Less waste at point of filling due to wider mouth
- Freshly brewed products stay fresher for longer (than in glass) due to aluminium blocking UV light
- Cans create a flat and consistent substrate for creative labels, letting the artwork sing
- Mobile canning lines mean that small independent producers can package up their products in an accessible format
- Aluminium cans are part of our zero to landfill strategy at our King's Cross operation, and we would aim to duplicate this in Soho

House of Cans - our product

Whilst the majority of our product is beer, ranging from lagers to IPA's and Stouts, we also stock canned, English award-winning wine, ciders, pre-mixed cocktails, waters and soft drinks. We also carry premium low and zero alcohol beers, with a burgeoning market for quality product within this field.

Our product is sourced from small batch breweries and specialist drinks producers, with the majority of our product being sourced locally or within the UK. We have good relations with our suppliers which means we often get small batch beer to our shop before anyone else.

The price point and special nature of our product makes it very unattractive for those looking for cheap alcohol or a pre-drinking destination. Our product is more often than not enjoyed in the comfort of one's home, by customers who enjoy premium products, usually in relative moderation.



Eazy Peazy - Amundsend Bryggeri - 0.5% IPA - £4.90



House of Cans - our product

Part of our mission is to educate our customer about our products, how they are made and the processes, ingredients and qualities they represent. Whilst our products may appear similar to those available elsewhere, they have significant differences which we believe makes them exceptional and worth sharing and talking about. Physical retail where you can go in and experience our products is essential to our business.



• Apple Nut Stout
• House of Cans
• Small batches
• Small target audience



- Brewdog Stout
- £1.85 per can in Tesco's
- Mass produced in relative terms
- Broader audience





011624

HOUSE OF CANS
OFF LICENCE & BAR

House of Cans - dedicated to physical retail and collaboration

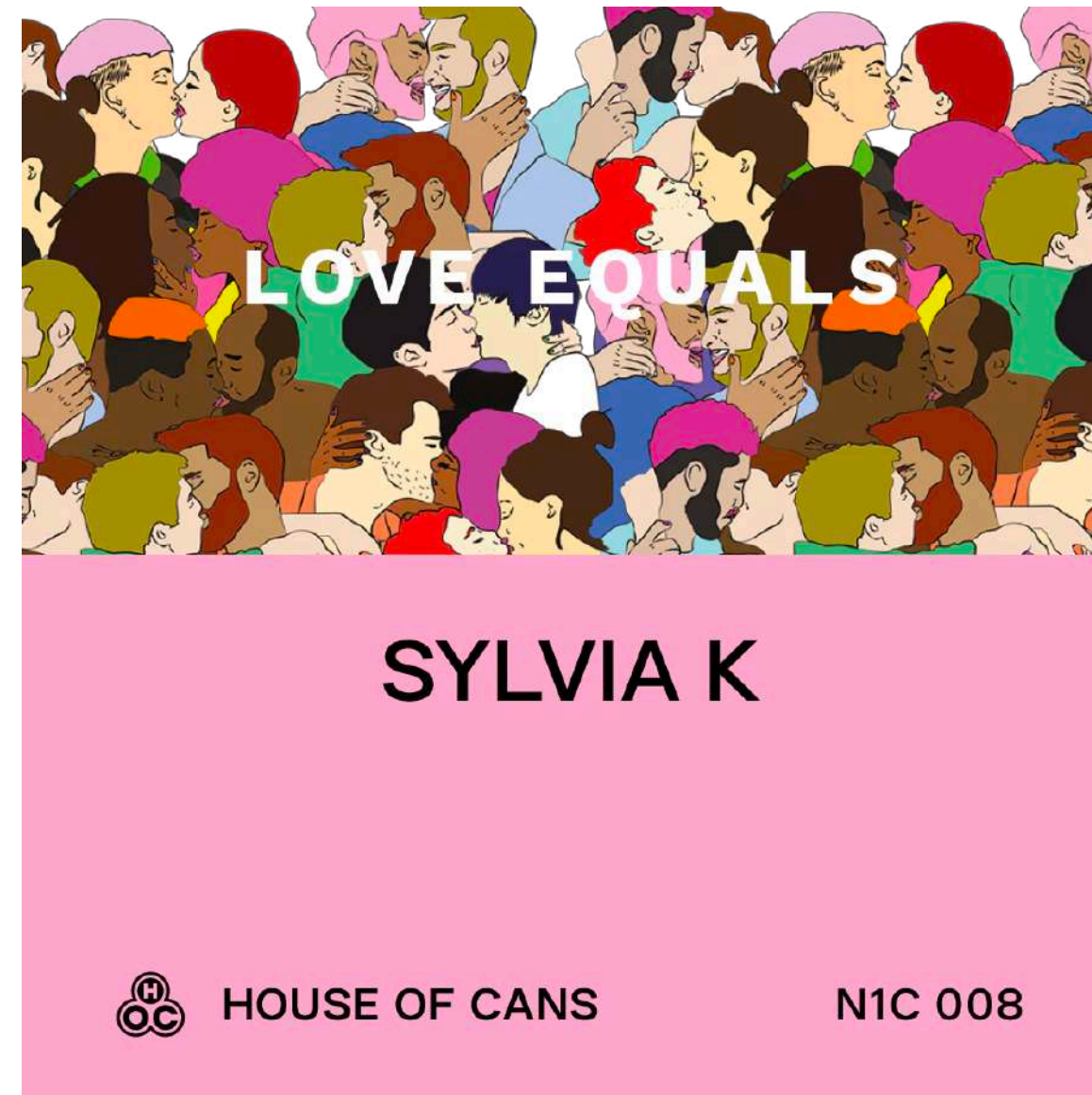
We believe strongly in physical retail; not only how it can provide a more engaging and satisfying experience for customers, but because physical retail is an important part of the fabric of our cities. We want to be a part of the Soho community of retailers and believe that we can provide the following benefits:

- We provide an exceptional and otherwise unavailable product range, providing amenity to a customer audience that we believe exists in Soho
- We know from experience that creating a grouping of physical retail creates critical mass, which benefits all retailers - increasing dwell time by 1% increases turnover by 1.4%
- Seating within House of Cans supports the in-person experience, with tastings and the space to share and discuss products being an important part of our existing operation in King's Cross
- Our brand is built on our relations with the creative industries, from art to fashion - physical retail and the in-person experience is essential to these partnerships
- Our branding was developed by London-based designers IYA, who we continue to work with across our offering
- Our collaborations to date, created through our King's Cross outlet, include The Other Art Fair (who's offices are on D'Arblay Street) and Universal Works (another potential neighbour around the corner in Soho) - we want to co-create with artists, brands and other organisations that share our passion for quality products



Our Collaborations

We have worked with a diverse range of artists, organisations and brands to create our collaborative product. Many of our collaborations can be found on our website and they reflect our passion for arts and culture - celebrating everything from Pride and The Other Art Fair, to sneaker launches and 80 years of The London Jazz Festival with Blue Note Records. One of the most exciting prospects of being in Soho is to connect with the creatives who live and work there - we can't wait to create our first Soho collaboration!



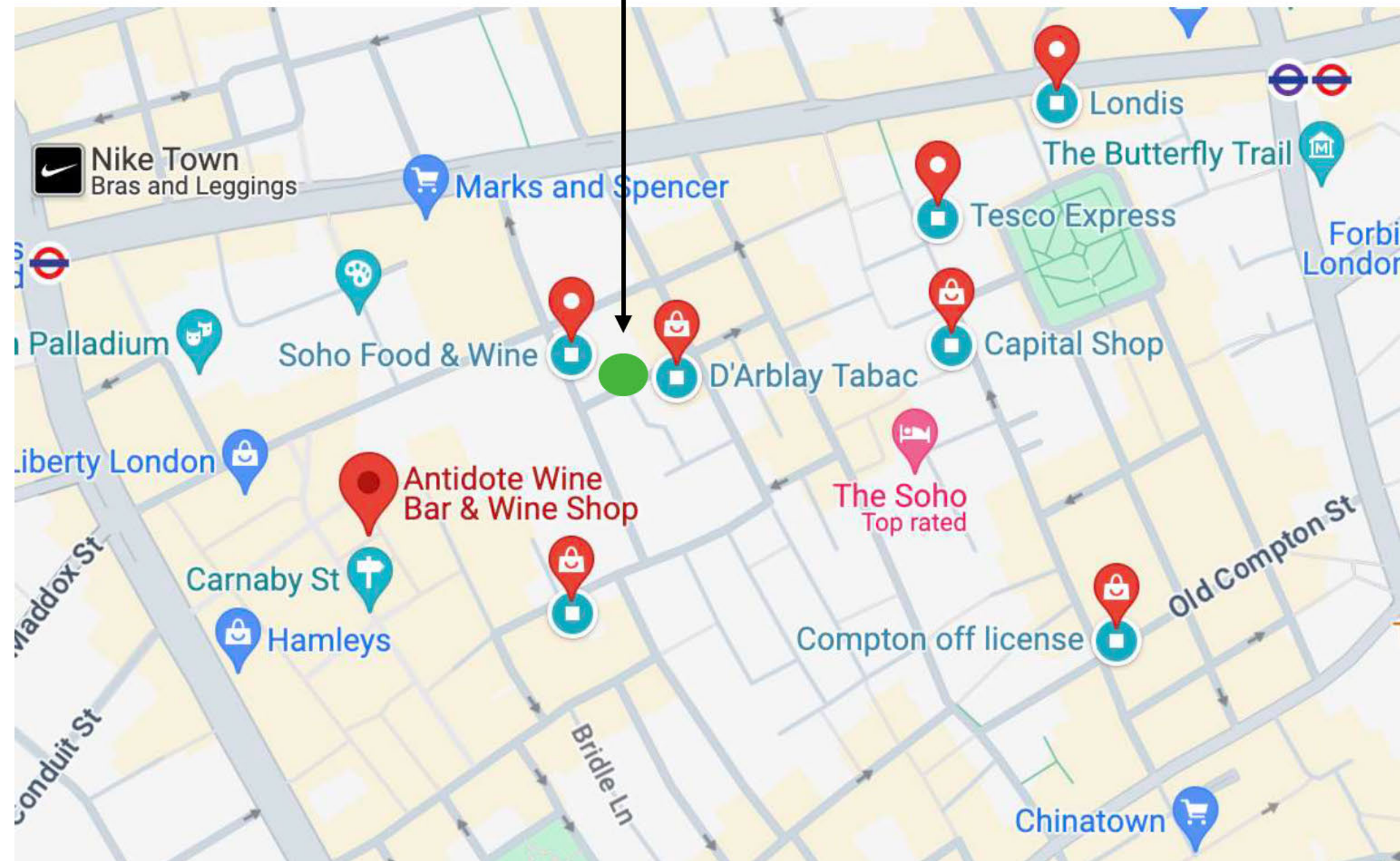
The Soho Context

Soho offers a broad range of places to purchase alcohol through off-licences and supermarkets, in addition to its bars and pubs. However, there is currently no off-licence in Soho offering the products that we provide.

The map opposite shows sites where low cost alcohol is available in Soho. Whilst some of these locations sell craft beer, the products we stock are not available at any of these locations. Some craft beer is mass produced and available in corner shops (Brewdog etc.) but that is not our product.

Customers looking for high strength, low cost beer or similar products are already shopping at these locations and will not find anything that they want to buy in our product range.

Proposed House of Cans location



Some Google reviews - the best and worst

House of Cans

Unit 116, Lower, Stable St, London


4.7 ★★★★★ 98 reviews
Reviews aren't verified. ⓘ


 Local Guide · 155 reviews · 546 photos

★★★★★ a year ago


House of Cans is one of those magical spots that once you find, you return again and again. I'm not sure how they do it but their can selection is always ahead of the curve featuring beers other bottle shops don't have or don't have as quickly. Incredibly friendly staff. One of the best craft shops in London and a must-visit for any true craft beer lover. Amazing location with plenty of outdoor seating and proximity to food and some of the nicest public toilets around.

Oh, they also will custom make beer labels and provide the delicious BBNo beer to go in it. ❤️




 Like

[Write a review](#)

 7 reviews · 2 photos

★★★★★ 4 years ago

Chronically over-priced beer, somewhere between 20-40% more expensive than other stores. Good range if you have deep enough pockets though.

 Like



pa e 193

Our Plans For Soho

If we are successful in our application for an alcohol licence for 12 D'Arblay Street, our intentions for the Soho branch of House of Cans are as follows:

- To replicate the design and fit out of our King's Cross shop - product and art-led
- To replicate our excellent customer service - knowledge and recommendation-led
- To make connections with our neighbours in D'Arblay Street - we have imagined a Soho Screening Rooms canned water that we would love to produce for them
- To collaborate with the creative community and artists within Soho
- To provide amenity to the communities of Soho, with a quality, premium product delivered through exceptional customer service





Thank You



**COMPLETE
LICENSING**

HOUSE OF CANS

Consultant Report

20.02.24

1. INTRODUCTION

1. Marcus Lavell of Keystone Law has instructed me to consider the application by House of Cans to open a new premises at 12, D'Arblay Street, Soho. I have used my knowledge of the area and visited the existing House of Cans premises at Unit 116, Lower Stables Street, Kings Cross, in order to consider how this application will impact on the D'Arblay Street and wider Soho area. I have also considered any conditions that may be required in order to ensure that the premises supports the Licensing Objectives to a high standard.



2. SUMMARY OF EXPERTISE

1. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role, I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and effective delivery of the Olympic Games.
2. In addition to leading my team, I visited and worked with both the Olympic Park management and many other venues, reviewing their policies and procedures, and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I was awarded an Assistant Commissioners Commendation for this work.
3. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Later SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.
4. Providing both Overt and Covert support for policing problem licensed premises across London, my team worked with premises when licensing issues were identified, to address these problems using action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required. I developed the Promoters Forum and risk assessment process, and together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.
5. From 2004 until 2008, my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role, I developed key partnerships with industry, NGOs, and Government departments to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on several Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.



6. I was involved with Best Bar None for several years and successfully helped several boroughs to implement the initiative. I was a trained Purple Flag and Best Bar none assessor and, until my retirement, I sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years of my service, I was in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above, I have attended many internal MPS training and qualification courses, and I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

7. Since my retirement I have worked as an expert licensing consultant providing independent advice for premises requiring a local authority licence. I have provided evidence gathering services and advice to a broad range of licensed premises on a variety of issues, including crime and disorder, noise and nuisance, cumulative impact, sexual entertainment, street drinking, rough sleepers, age related products, betting and gaming and planning. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences, SEV licences and late-night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.



3. OBSERVATIONS

1. I conducted observations at the House of Cans, 116 Lower Stable Street, Coal Drops Yard, King's Cross, N1C 4DR on the night of Saturday the 17th of February 2024. The premises is licensed until 00.00 hours on Saturday nights but I understand that it currently trades until 21.00 hours so I arrived at the premises at about 18.30 hours. I had not informed the premises of my arrival so I conducted observations covertly outside the premises. The premises is small and is attractively decorated with colourful cans around the walls. There were about half a dozen chairs inside by the bar and till area. The vicinity of the premises was quiet and orderly with no one loitering in the area.
2. Going into the premises I spoke with the male behind the bar who I now know to be [REDACTED]. I said I was unsure what type of beer I would like and he asked me what I usually drank, what I enjoyed and then suggested a couple of cans I may like to try, explaining the flavours and strength of each. I chose one of his recommendations and sat at the bar to drink it from a can-shaped glass while chatting. Another male came into the bar, he was clearly known to [REDACTED] and they engaged in conversation and the male selected a can.
3. After a short while I explained to [REDACTED] who I was and that I had been asked to visit the premises in connection with their new application in Soho. We chatted about the beers available and [REDACTED] was very knowledgeable about the products and their various attributes. He explained they also sold speciality wines in cans and pointed me to the refrigerators. Behind the bar was a bank of glass fronted fridges that ensured all the beers were kept in ideal condition.
4. I sat in the premises for an hour or so, during this period about four or five customers came in to purchase beer to take away. They appeared to be known to [REDACTED] and they discussed the various beers available before selecting three or four cans each and purchasing them to take away. Bags were offered to them but they had their own. The males appeared to have called in on their way to visit friends and had called in to collect their favourite craft beer to take with them. None of them appeared to have been drinking prior to going to the premises and they all put their purchases in their bags and then walked away.
5. While I was at the premises there was also a couple of females and a male who came into the premises to have a drink. They purchased a can each and sat in the premises at the bar, or on seats outside by a table, to consume them and chat. They were all well behaved and did not appear to have been drinking prior to attending the premises. All appeared familiar with the beers on offer, knew their preference and chatted to [REDACTED] in a friendly and familiar manner.



6. I asked [REDACTED] about the incident book and he produced the incident and accident books it for me. The incident book was dated 2024 but had no entries in it. I asked [REDACTED] about this and he stated that they had not had any incidents. I asked what he would do if someone who appeared under 21 came into the premises and he stated that they had a challenge 21 policy and anyone who appeared to be under 21 would be asked for photo ID such as a Passport or Driving Licence. He explained that most of their customers were older, although there is a college nearby so on occasion younger looking customers did come in and when they did he asked for ID.
7. I asked [REDACTED] about security and he informed me that the estate provided SIA security and CCTV and although he saw security patrolling they had never had to call them. Toilet facilities are also provided by the estate so are not the direct responsibility of the premises. As far as he was aware there had never been any issues for the security to deal with or requests for CCTV connected to the premises.
8. I left the premises at about 19.30 hours but kept casual observations in the area until about 21.00 hours. The premises remained quiet and the vicinity was quiet and orderly. I did not see any crime and disorder, noise or nuisance generated by, or near to, the premises.



3. CONCLUSIONS

1. The premises operates as a genuine craft beer premises that sells a unique and high-quality product, stored and sold in prime condition and at premium prices. Cans are, of course, lighter and easier to store and transport than bottles and are easily and widely recycled.
2. House of Cans concentrates on Beer but stock a small selection of other drinks such as wine and cider in cans, however, they do not sell spirits or similar high strength products. The customers I observed had all made a point of going to the premises specifically to purchase the products that are not widely available; primarily it appeared to be to take-away but some requested to taste before selection and others stayed for a drink and a chat.
3. The premises promoted the licensing objectives to a high standard while I was there and, based on my observations, discussion with staff and research, it operates as a genuine craft and specialist beer shop that has interesting and unconventional products aimed at a speciality market. The drinks are premium products and premium prices, I saw no evidence of crime and disorder and can state that from my observations and experience I consider it very unlikely that such a premises would attract those looking to drink excessively and cause nuisance, crime or disorder.
4. I understand that the proposed Soho premises will operate in the same manner as that in Kings Cross and I am confident that it will be a positive addition to Soho and bring benefit to the area. At the Kings Cross site some of the operational requirements, such as the use of door supervisors and the CCTV, are provided by the estate management for the wider area and not employed by the premises directly. At the Soho site the premises itself will be responsible for CCTV and security and therefore consideration must be given to Conditions covering these activities.
5. While CCTV will be required at the premises I do not consider that SIA Door Supervisors will be required. I understand that the proposed terminal hour is now 21.00 hours and therefore I do not consider that it will be necessary to have SIA Door Supervisors employed at the premises which is, essentially, an off-licence with facilities for tasting prior to purchase and with limited consumption on the premises. In my view Door Supervisors are required for the larger premises that operate as a traditional bar and, of course, with later hours; but are not required for this specialist style of premises.

I understand that my duty is to the sub-committee and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report to be honest and true and that the opinions I have



expressed are correct to the best of my judgment. The fee for this report is not conditional on the outcome of the case in any way whatsoever.



Mediation email

From: [REDACTED]
To: [Jackaman, Kevin: WCC](#)
Cc: [REDACTED]
Subject: Re: Ground Floor Front, 12 D'Arblay Street, London - 23/08735/LIPN
Date: 08 January 2024 11:35:37
Attachments: [image001.png](#)
[image002.png](#)
[image001.png](#)

You don't often get email from [REDACTED] [Learn why this is important](#)

Hi Kevin

Many thanks for forwarding details of the Soho Society's representation against our recent application for a Premises License at 12 D'Arblay Street.

We were especially keen to provide some more detailed information regarding our philosophy as well as our business operation, which I would be very grateful if you would forward on.

Firstly, House of Cans was founded very largely around creativity and sustainability, a large part of what we do being to work closely with artists, illustrators and drinks producers to curate one-off custom and limited edition cans, predominantly for communities, brands and events. This onus on art and drinks cans extends to how we present ourselves in store and ensures customer's immediate perception is that we aren't just another off-license.

Secondly, our very deliberate focus on cans (we do NOT sell glass bottled products) is not only for reasons of presentation and, increasingly, product quality and freshness, but to promote sustainability - to leverage the fact cans are infinitely recyclable, are lighter and so have a much smaller carbon footprint than glass while also ensuring less product is wasted at the point of filling.

All of which is as important to us as the commercial retail of craft drinks, the premium nature of which means they are also sold at a premium price. Cans typically cost between £6 and £12 per individual can and we are therefore supremely confident that, coupled with the specialist, unfamiliar (to a non beer enthusiast) nature of the product, our presence will not contribute to or exacerbate any existing street drinking or public nuisance issue within the West End CIZ. Our exclusive intention is that off-sales be taken away for consumption at home/in a domestic environment.

We would like to stress how acutely aware we are of the area classification as a Cumulative Impact Zone and all that this implies. We are wide open to working closely with the authorities and community, both in respect of arriving at an appropriately termed license and in ongoing operations within licensing policy. We likewise remain entirely amenable to any and all workable operating variations which will afford comfort to and/or alleviate any concerns held by residents and/or the Westminster licensing authorities regarding the potential impact of the premises on the CIZ. We are engaging with complete respect, driven only by the opportunity to sympathetically fill what we see to be a vacancy for a boutique, specialist craft drinks-led operation in Soho.

For completeness also, and as per the submitted operating schedule and authority stipulations, all required security (CCTV), responsible waste disposal, risk mitigation, safety and staff training measures and signage will be enforced thoroughly and proactively in order to support all four licensing objectives.

Lastly, if a representative was available and willing, we would of course be very pleased to meet with one or more members of the Soho Society in order to discuss their concerns in person.

Many thanks

[REDACTED]

Cumulative Impact

This area has been identified by Westminster City Council as under stress because of the cumulative effect of the concentration of licensed premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the draft Cumulative Impact Assessment 2023 continues to show high levels of cumulative impact in the West End Zone 1 in 2022, it states,

***'West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough.'* (p.50)**

The proposed Licensing Authority Statement strengthens the previous 2020 CIA statement in acknowledging the increasing and detrimental impact of the large number of licensed premises in the West End, it concludes,

***'It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.'* (p.80)(our emphasis)**

In any application for an alcohol licence in the Cumulative Impact Zone the applicant is required to demonstrate that the application will not increase the Cumulative Impact. In the draft Cumulative Impact Assessment 2023 the modelling shows an overall factor of up to 1.5, which means that for every additional licence granted the number of undesirable behaviours expected in the area in a year would increase by up to a multiple of 1.5. This means a 50% increase in undesirable behaviours from any one new or extended licence, similarly the figures suggest a 26% increase in reported theft for each additional licence issued - for whatever type of venue: club, restaurant or café. In relation to noise, it concludes,

'The number of licensed premises is a significant factor in the generation of noise complaints.'

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the SoLP).

D23. ***'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance. It goes on, 'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'* (our emphasis)**

It is important to note the policy relates to the global effects of alcohol licences in the whole impact zone and not just a part of it.

Appendix 2 : Crime and Disorder

The draft Cumulative Impact Assessment 2023 states by September 2022 crime in Westminster had reached pre-pandemic levels. It compared the proportion of crimes that occurred in 2022 against the period of the 2020 CIA (2017 - 2019) it indicates that ***'crimes within Westminster has concentrated even further within West End Zone 1.'***

It confirmed the majority of the hotspots for the four major crime types (overnight thefts, robbery, drug offences, violence against person) were closely concentrated in the West End, stating,

'This provides further evidence to the greater prevalence of criminal offences within this area, and given the temporal nature of this analysis, also suggests that criminal activity within this area is getting worse.'

Overall the West End Zone 1 accounts for:

- Just under 66% of all crime in Westminster
- 47% of violent crimes - approximately 59% at night (most prior to and after midnight)
- 44% (968) of all overnight robberies
- Over 65% of sexual offences.
- 52% of all night time alcohol related ASB
- 74% drug offences, small clusters include Soho - Old Compton Street
- 57% of all ASB call details included reference to public house/nightclub, night-time transport route, station, hotel or restaurant establishment

It confirms the majority of crime takes place on Friday / Saturday and Saturday/Sunday between 6pm - 6am. Overnight crime is identified as being particularly prevalent in Old Compton Street, Greek Street and Frith Street.

The level of crime, disorder and anti-social behaviour continues to be a huge problem in Soho, the crime figures are high and rising. The police crime reports for April/May 2023 shows current levels of alcohol related assaults, sexual assaults and robberies within the West End area are now higher than at pre-COVID levels. The peak times for crime being between 10pm - 2am.

In Soho the majority of robberies take place at night, with people being targeted as they leave venues. Alongside the robberies and assaults drug dealing is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or as they pass by. There are more dealers in the area at night than during the day, this is directly linked to the large number of venues and people which creates the drugs market. Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away.

It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target them. We believe customers will be at high risk of becoming victims of crime.

Soho Society Sleep Survey Results - 31 October 2022

There are real concerns amongst residents about the ever increasing numbers of licensed premises and people on the streets at night causing disturbance, they have been subjected to noise disturbance and anti-social behaviour that is beyond acceptable levels. They are disturbed by the late night activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming, horns honking, and are subjected to anti-social behaviour with people vomiting and urinating in the street and in their doorways.

Residents are also disturbed even if an establishment is not located directly on their street, as patrons usually intoxicated leave premises and either carry on their night out in Soho or as they make their way home making a noise and disturbing residents along the way.

It is therefore unsurprising that a survey conducted by the Soho Society confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year 42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords 10 respondents have children living at home with them

58% have double glazing

37% single glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a week 5% have triple glazing

19% of respondents have their sleep disturbed 3 or 4 nights a week

19% of respondents have their sleep disturbed once or twice a week

20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36, and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho 60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency.

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

I live in Marshall St and overlook it. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy! Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho.

The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

From: [REDACTED]
To: [Jackaman, Kevin: WCC](#); [Donovan, Jessica: WCC](#); [Hag, Roxsana: WCC](#); [Abbott, Karvn: WCC](#)
Cc: [REDACTED]
Subject: Additional document : 23/08735/LIPN: House of Cans, 12, D'Arblay St, W1F 8D
Date: 19 February 2024 16:50:06

Dear Kevin,
Please find below an additional document for the hearing on 29 February, this is a letter from a resident supporting the Soho Society's representation.

Many thanks.

Regards,
[REDACTED]
The Soho Society

Subject: 23/08735/LIPN: House of Cans, 12, D'Arblay St, W1F 8D

Dear Sir/Madam

I am writing a letter in support of the objection to the application for a new licence from House of Cans to open a shop selling cans on D'Arblay St.

The operator already has a shop selling cans in an off-licence / bar in King's Cross. King's Cross, Coal Drops Yard and Granary Square have large open spaces (unlike Soho) where drinkers can take their drinks and make less impact on everyone else. In Soho the geography of their proposed outlet is different: there is nowhere for street drinkers to go, so they drink in our doorways, on ledges outside shops, or in the mews. 12 D'Arblay St is directly opposite Portland Mews, and there is another mews on D'Arblay St (Wardour Mews) - it is a guaranteed certainty that customers would take their purchases to these mews to drink there. Street drinking outside the bars at the west end of D'Arblay St has already driven out a number of long term residents - the opening of this off-licence/bar would only exacerbate this problem. This street used to only have the George pub as a licenced premises, and a couple of genuine restaurants where alcohol was served ancillary to food - however there are now multiple outlets which are bars in all but name. Adding a further explicitly alcohol-led business will do nothing except to make the noise, crime and ASB worse. The statistics in the Soho Society's objection describing the overall picture in Soho bear this out, but I have actually lived through and watched it happen in microcosm on this street - every licence granted has worsened the quality of life here, and gradually eroded the neighbourhood.

Aside from the particular issue of increasing street drinking on a small mixed use street, it is a fact that Soho is already saturated with licensed premises. Three new licences have been granted by the council in the last few years on D'Arblay St, and the existing licence premises make no effort to control noise or anti-social behaviour from their customers when they are using the public realm. In the absence of enforcement, it would be completely against the policies relating to the cumulative impact zone to grant another new licence.

The applicant also has applied for tables and chairs outside. There is no space

on that pavement for tables and chairs - the drawing fails to show the residents' parking notice pole directly outside the shop, where piles of rubbish bags are put every day - there would be no access for pedestrians if there were tables and chairs outside, let alone for wheelchair users.

Finally, this would be a really depressing direction for the street - to lose a useful hardware store and have it replaced by just another bar. I hope the applicant can find another more appropriate place in London to open their bar - unfortunately picking Soho would simply add to the problem.

yours faithfully

A solid black rectangular box used to redact the signature of the sender.

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule

9. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a specialist retailer selling craft alcohol products in cans for customers to take away.

The Licensing Authority have proposed the following alternative condition which has been agreed by the applicant

The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a specialist, can-only off-licence.

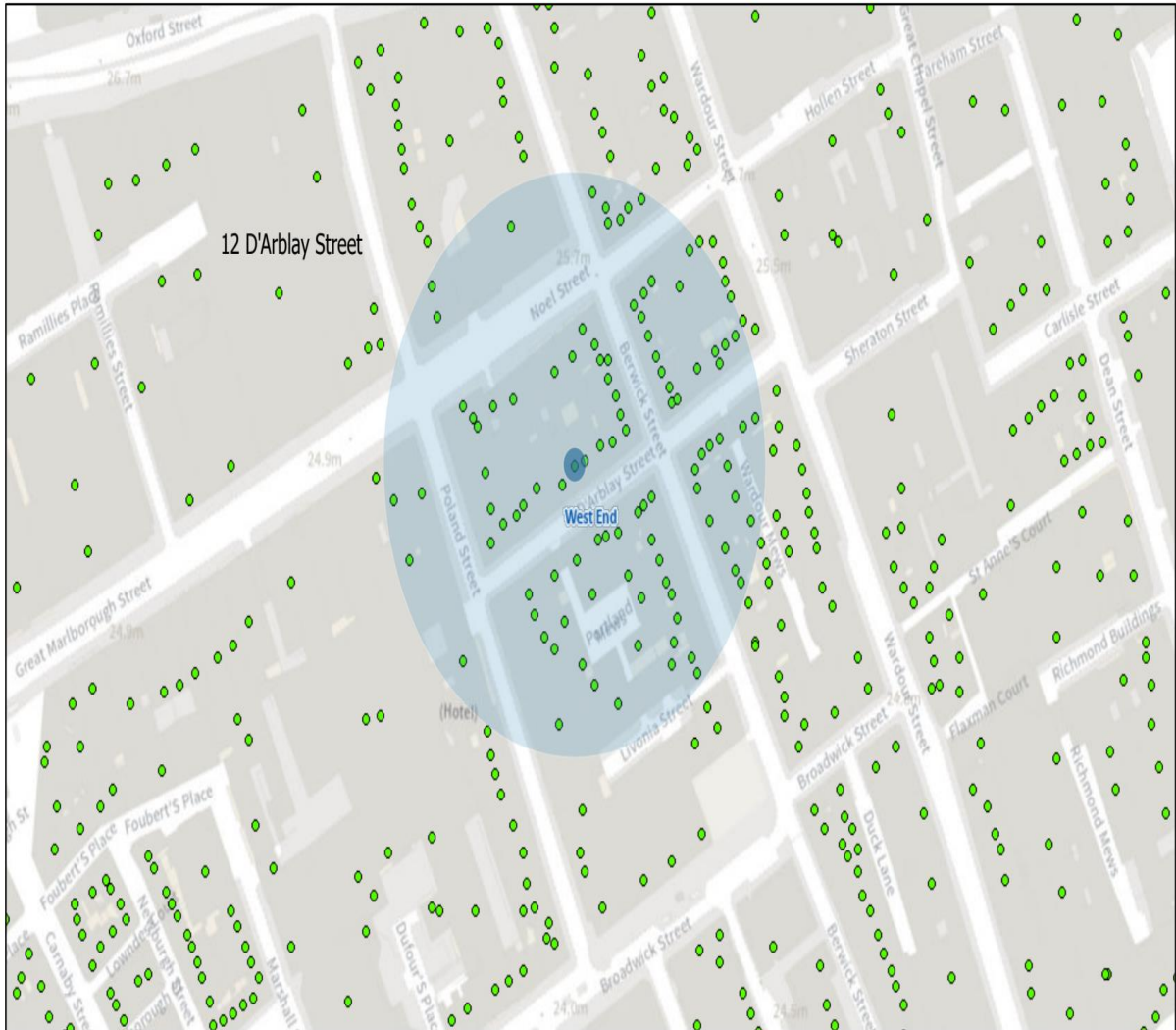
10. The consumption of alcohol on the premises shall cease at 9pm.
11. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons
12. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
14. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
15. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
16. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
18. There shall be no more than 10 persons consuming alcohol on the premises at any one time, save for when such persons are attending a tasting event, when the number of persons shall be increased to no more than 20.
19. Deliveries shall only be made to a bonafide residential or business addresses.
20. No persons under the age of 18 shall be allowed in the shop.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take alcohol with them.
22. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for craft/premium beers and ciders, cocktails and wines supplied in cans.

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

23. The Sale of alcohol for consumption on the premises shall only be to those that are seated and there will be no vertical drinking on the premises.

Conditions proposed by Environmental Health have been included in the applicants proposed conditions above.

12 D'Arbly Street, London, W1



15/02/2024, 16:40:35

● Property Mailing List

□ Ward Boundaries

Ward Labels

Resident Count: 44

Licensed premises within 75m of 12 D'Arblay Street, London, W1

Licence Number	Trading Name	Address	Premises Type	Time Period
21/07838/LIPVM	Vasco Piero's Pavilion Restaurant	Ground Floor 10-11 D'Arblay Street London W1F 8DT	Restaurant	Monday; 12:00 - 23:30 Tuesday; 12:00 - 23:30 Wednesday; 12:00 - 23:30 Thursday; 12:00 - 23:30 Friday; 12:00 - 23:30 Saturday; 12:00 - 23:30 Sunday; 12:00 - 23:30
21/07812/LIPDPS	Ceru	Ground Floor 10-11 D'Arblay Street London W1F 8DT	Restaurant	Monday to Sunday; 12:00 - 23:30
14/00062/LIPVM	Blanchette	Basement And Ground Floor 9 D'Arblay Street London W1F 8DR	Cafe	Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30
18/06968/LIPT	Conko	72 Berwick Street London W1F 8TD	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/05520/LIPN	Fadiga	Basement And Ground Floor 71 Berwick Street London W1F 8TB	Restaurant	Sunday; 11:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00
11/09937/LIPVM	Copita	27 D'Arblay Street London W1F 8EN	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30

23/04515/LIPDPS	Pot & Rice	16 D'Arblay Street London W1F 8EA	Not Recorded	Monday; 10:00 - 00:00 Tuesday; 10:00 - 00:00 Wednesday; 10:00 - 00:00 Thursday; 10:00 - 00:00 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30
22/07563/LIPDPS	Dalla Terra Vetro	16 D'Arblay Street London W1F 8EA	Not Recorded	Monday; 10:00 - 00:00 Tuesday; 10:00 - 00:00 Wednesday; 10:00 - 00:00 Thursday; 10:00 - 00:00 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30
20/04508/LIPN	Not Recorded	28 D'Arblay Street London W1F 8EW	Not Recorded	Sunday; 10:00 - 23:30 Monday to Saturday; 08:00 - 23:00
22/01183/LIPDPS	Oxford Street Youth Hostel	14 Noel Street London W1F 8GJ	Club or institution	Monday to Sunday; 00:00 - 00:00

17/14875/LIPRW	(Delicatessen)	Basement And Ground Floor Munro House 9 Poland Street London W1F 8PY	Cafe	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 00:00
23/02356/LIPDPS	Bodeans BBQ	10 Poland Street London W1F 8PZ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
10/03480/LIPDPS	Soho Food & Wine	14 Poland Street London W1F 8QD	Shop (large)	Monday to Sunday; 00:00 - 00:00
24/00303/LIPDPS	Soho Food & Wine	14 Poland Street London W1F 8QD	Shop (large)	Monday to Sunday; 00:00 - 00:00
23/04764/LIPDPS	Toi & Moi	38 Berwick Street London W1F 8RT	Cafe	Monday to Sunday; 07:30 - 22:00
22/00558/LIPDPS	Bubala	15 Poland Street London W1F 8QE	Restaurant	Sunday; 12:00 - 23:30 Monday to Saturday; 10:00 - 00:30
23/03577/LIPDPS	Tommi's Burger Joint	37 Berwick Street London W1F 8RS	Not Recorded	Sunday; 10:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
23/09290/LIPDPS	Barrio Central Restaurant & Bar	6 Poland Street London W1F 8PS	Wine bar	Sunday; 10:00 - 23:00 Monday to Saturday; 09:00 - 01:15
23/00389/LIPDPS	Barrio Central Restaurant & Bar	6 Poland Street London W1F 8PS	Wine bar	Sunday; 10:00 - 23:00 Monday to Saturday; 09:00 - 01:15
24/00197/LIPDPS	Soberberg	36 Berwick Street London W1F 8RR	Cafe	Sunday; 07:30 - 22:30 Monday to Saturday; 07:30 - 22:30
23/00385/LIPDPS	Soberberg	36 Berwick Street London W1F 8RR	Cafe	Sunday; 07:30 - 22:30 Monday to Saturday; 07:30 - 22:30
19/01200/LIPDPS	Maharani Restaurant	77 Berwick Street London W1F 8TH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday;

				10:00 - 00:30
23/04796/LIPVM	Not Recorded	77 Berwick Street London W1F 8TH	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
22/11516/LIPRW	Maresco	45 Berwick Street London W1F 8SF	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
17/03370/LIPDPS	Obica	Noel House 19 - 20 Poland Street London W1F 8QF	Restaurant	Friday; 08:00 - 00:30 Saturday; 09:00 - 00:30 Sunday; 09:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:00
22/10814/LIPCH	The Breakfast Club	33 D'Arblay Street London W1F 8EU	Cafe	Sunday; 09:00 - 22:30 Monday to Saturday; 09:00 - 23:00
21/06950/LIPVM	Comptoir Libanais	Ground Floor 52 - 53 Poland Street London W1F 7NQ	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 Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00
12/08061/LIPV	Lucky Voice	Basement 52 - 53 Poland	Restaurant	Sunday; 12:00 - 23:00

		Street London W1F 7NQ		Monday to Saturday; 10:00 - 03:00
21/07169/LIPDPS	Kasa And Kin	Ground Floor 52 - 53 Poland Street London W1F 7NQ	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 00:30
19/08547/LIPDPS	Z Hotels	First Floor 52 - 53 Poland Street London W1F 7NH	Hotel, 3 star or under	Sunday; 10:00 - 18:00 Monday to Saturday; 08:00 - 21:00
16/02387/LIPDPS	The Melt Room	26 Noel Street London W1F 8GY	Restaurant	Saturday; 11:00 - 21:00 Sunday; 11:00 - 21:00 Monday to Friday; 08:30 - 21:00
22/06492/LIPT	Manteca	Basement And Ground Floor 58 - 59 Great Marlborough Street London W1F 7JY	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 09:00 - 02:30 Monday to Saturday; 10:00 - 00:30
22/07143/LIPN	Not Recorded	Basement And Ground Floor 58 - 59 Great Marlborough Street London W1F 7JY	Restaurant	Monday; 09:00 - 02:30 Tuesday; 09:00 - 02:30 Wednesday; 09:00 - 02:30 Thursday; 09:00 - 02:30 Friday; 09:00 - 02:30 Saturday; 09:00 - 02:30 Sunday; 12:00 - 23:30
18/01923/LIPVM	Korkers (Basement) And Mustafas Thai Cottage (Ground Floor)	Ground Floor 34 D'Arblay Street London W1F 8EX	Not Recorded	Not Recorded; XXXX - XXXX
22/01207/LIPDPS	Brewdog	Basement And Ground Floor 21 21 - 22 Poland Street London W1F 8QG	Night clubs and discos	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00

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