



City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**15/03907/LIPV**

Date:

**16 July 2015**

Classification:

**For General Release**

Title of Report:

**17 – 18 Henrietta Street  
London  
WC2E 8QH**

Report of:

**Director of Public Protection and Licensing**

Policy context:

**City of Westminster Statement of Licensing Policy**

Financial summary:

**None**

Report Author:

**Mr Nick Nelson  
Senior Licensing Officer**

Contact Details:

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E-mail: nnelson@westminster.gov.uk**

## APPLICATION DETAILS

<b>Application Type:</b>	Variation of a premises licence application under the Licensing Act 2003. This application is made in conjunction with a new premises licence application for 16 Henrietta Street (15/03912/LIPN).		
<b>Applicant:</b>	Capital & Counties CG Ltd and Capital & Counties CG Nominee Ltd	<b>Date Application Received:</b>	20 May 2015
<b>Premises Name and Address:</b>	17 – 18 Henrietta Street London WC2E 8QH		
<b>Ward Name:</b>	St James's	<b>Stress Area:</b>	West End
<b>Description of Premises:</b>	The premises currently operates as two restaurants under one premises licence (15/02369/LIPT), Covent Garden Grill, ground floor and basement of 16 Henrietta Street and Porter's English Restaurant, ground floor and basement of 17 – 18 Henrietta Street.		
<b>Variation Description:</b>	<p>The current premises licence (15/02369/LIPT) authorised licensable activities across numbers 16 and 17 – 18 Henrietta Street. The premises historically operated as two restaurants, Covent Garden Grill at number 16 and Porter's English Restaurant at number 17 – 18 under the same premises licence. This application, in conjunction with the new premises licence application for 16 Henrietta Street (15/03912/LIPN), proposes to regularise that position by splitting the licence into two separate licences, effectively removing 16 Henrietta Street from the ambit of this licence, and associated condition 11, and to vary the remaining layout of the ground floor and basement.</p> <p>Please note, although the application form refers to removing condition 6 from the premises licence, the application was made without the benefit of the transferred licence 15/02369/LIPT and the updated mandatory conditions. Therefore, what was condition 6 became renumbered as condition 11. Condition 11 reads as follows:</p> <p style="padding-left: 40px;">The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The number specified are:</p> <p style="padding-left: 40px;">(a) as to the ground floor in Porters Bar (no. 16) 100 persons (b) as to the basement in Porters Bar (no. 16) 40 persons</p> <p>This application has been made following pre-application advice from the City Council's District Surveyor and Environmental Health Officer.</p>		

**This application proposes no changes to the existing licensable activities or hours.**

## 1. Relevant representations

- 1.1 On 16 June 2015, the Environmental Health Service made a representation against the removal of condition 11 from the premises licence under the prevention of public nuisance and public safety licensing objectives. It states that conditions offered by the applicant in the operating schedule do not fully satisfy the concerns of Environmental Health. No representation is made against the removal of number 16 Henrietta Street from the licensed area, nor to the change of layout to accommodate this.
- 1.2 On 16 June 2015, a representation against this application was made by Philip and Caroline McIntyre, local residents living in close proximity to the premises, on the grounds of public nuisance and cumulative impact within the designated stress area. Mr & Mrs McIntyre request measures to be imposed on the licence regarding the following:
- The full restaurant condition (model condition 66) to apply;
  - That the licence be restricted to core hours;
  - Limiting the times for deliveries and collections of rubbish and bottles between 08:00 and 21:00 Monday to Friday and 09:00 to 20:00 on Saturday and Sunday;
  - Outside drinking to be forbidden;
  - Limits to the number of smokers permitted outside at any one time.
- 1.3 On 29 June 2015, the applicant wrote to Mr & Mrs McIntyre to further explain the application and to offer a schedule of Model Conditions which would apply to both licences, if granted (see **Appendix B**).
- 1.4 Following receipt of the letter referred to in 1.3 above, Mrs McIntyre emailed the Licensing Service on 2 July 2015, in which she restated the concern regarding drinking in the street, late night hours and refuse on the street.

## 2. Policies Applicable

- 2.1 The following policy within the City of Westminster Statement of Licensing Policy applies:

### **Policy RNT2:**

Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.

### **Policy STR1**

- (i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.
- (ii) Applications for other licensable activities in the Stress Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Stress Areas.

## 3. Summary

- 3.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:
- prevention of public nuisance,
  - prevention of crime & disorder,
  - public safety and
  - protection of children from harm.

3.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in **Appendix B** to this report.

#### **4. Current Licensing Position**

These premises currently hold a Premises Licence (15/02369/LIPT). A full licence history can be found in **Appendix A**.

#### **5. Residential Density**

67 units within a 75m radius of the premises are residential or proposed residential or under construction, refer to **Appendix C**.

#### **6. List of Appendices**

- A – Premises Licence History
- B - Conditions
- C – Residential Map and list of premises in the vicinity

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Plans
- Applicant's letter to Mr & Mrs McIntyre
- Existing Premises Licence
- Representations received
- Photos

## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Conversion Application <b>05/04651/LIPC</b>	Application to convert the Justices on Licence	02.08.2005	Granted Under Delegated Authority
Application to vary the DPS <b>09/02377/LIPDPS</b>	Application to vary the DPS	11.05.2009	Granted Under Delegated Authority
Application to transfer <b>15/02369/LIPT</b>	Application to transfer the premises licence to Capital & Counties CG Ltd And Capital & Counties CG Nominee Ltd	02.07.2005	Granted Under Delegated Authority
Variation application <b>15/03907/LIPV</b>	Current application	Pending	

**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.

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

#### **Conditions for Sale of Alcohol**

- 9. In the area hatched black on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- 10. 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.
- 11. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The number specified are:



- (a) as to the ground floor in Porters Bar (no. 16) 100 persons.
- (b) as to the basement in Porters Bar (no. 16) 40 persons.

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

12. (i). Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
  - (c) On Good Friday, 12:00 to 22:30
  - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
  - (e) On New Year's Eve, except on a Sunday, 10:00 to
  - (f) On New Year's Eve on a Sunday, 12:00 to 22:30
  - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii). Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

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

so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

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

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

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

#### **Annex 2 – Conditions consistent with the operating Schedule**

None

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

None

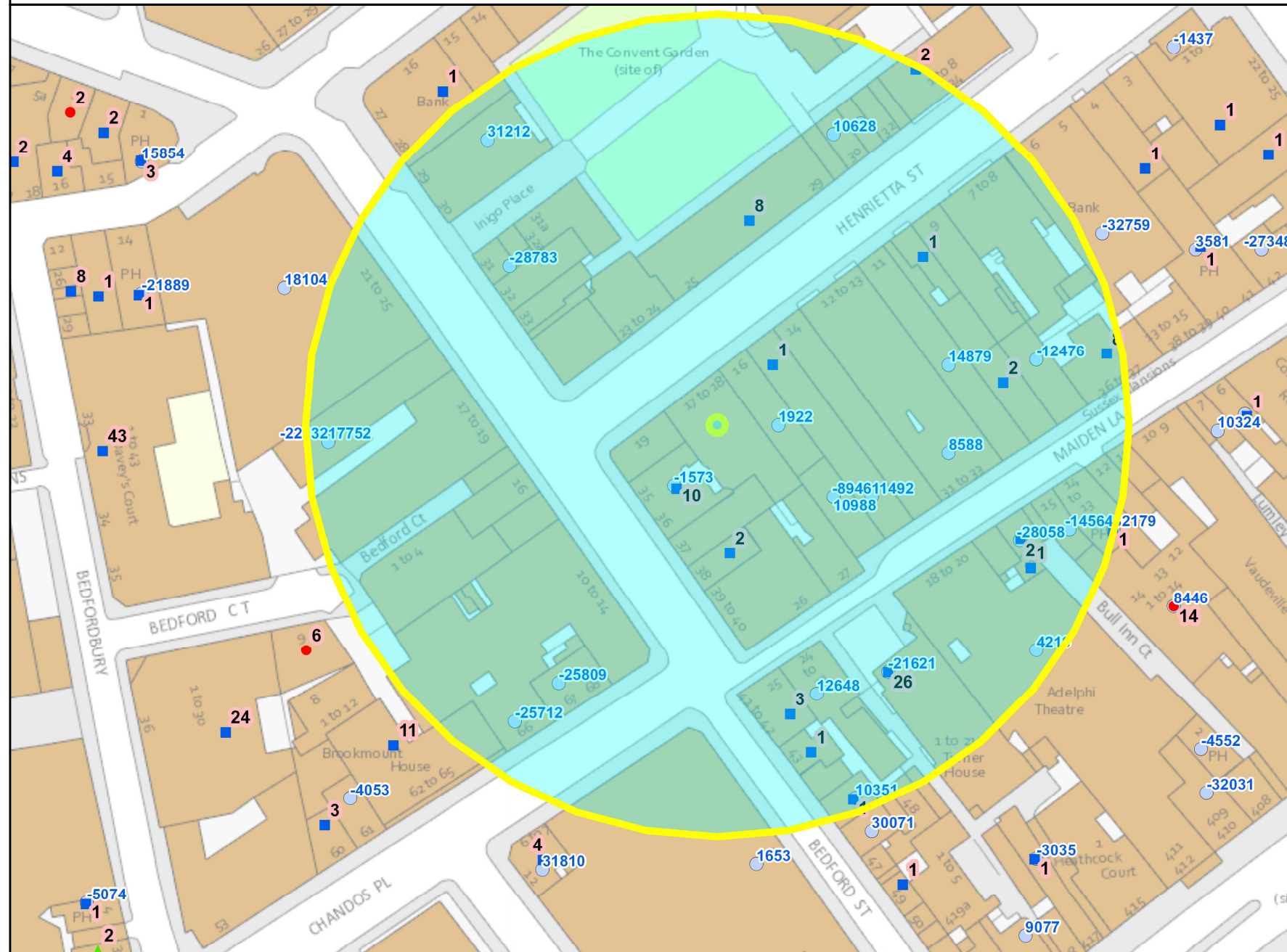
#### **Conditions proposed by the applicant**

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

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

16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

17. 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.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a sexual entertainment Venue Licence.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
24. The 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.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:(a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
27. The number of persons accommodated at any one time (excluding staff) shall not exceed 220 (or such other limit agreed with the Environmental Health Consultation Team).
28. The application will have no effect until the Licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district surveyor's association – technical standards for spaces of entertainment and the reasonable requirements of Westminster environmental health consultation team, at which time this condition will be removed from the licence.
29. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day.



Residential / Proposed Residential	67
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

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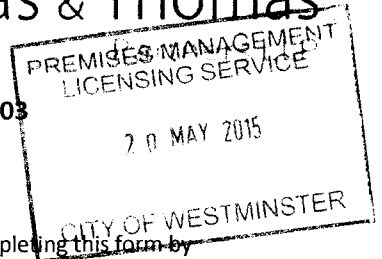
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**Premises within 75 metres of: 17 - 18 Henrietta Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
06/08749/WCCMAP	La Perla	28 Maiden Lane London WC2E 7JS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
06/08725/WCCMAP	Covent Garden News	31 Henrietta Street London WC2E 8NA	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
06/08066/WCCMAP	Pasta Brown	31 Bedford Street London WC2E 9EH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
13/05198/LIPDPS	Cafe Proper	16 Maiden Lane London WC2E 7NA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/06660/LIPDPS	Nando's	67-68 Chandos Place London WC2N 4HG	Monday to Saturday 07:30 - 00:30 Sunday 10:00 - 00:30
14/02182/LIPDPS	Adventure Bar	Ground Floor And Basement 20 Bedford Street London WC2E 9HP	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
14/06782/LIPVM	The Porterhouse Public House	21-22 Maiden Lane London WC2E 7NA	Monday to Saturday 09:00 - 00:30 Sunday 12:00 - 23:00
13/01880/LIPN	Condesa Tapas Bar	15 Maiden Lane London WC2E 7NA	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
13/02447/LIPVM	La Perla	28 Maiden Lane London WC2E 7JS	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 10:00 - 23:00 Sundays before Bank Holidays 12:00 - 00:00
09/02377/LIPDPS	Porter's English Restaurant	Ground Floor 16 Henrietta Street London WC2E 8QH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/01218/LIPDPS	Paul Patisserie	Ground Floor Inigo House 29 Bedford Street London WC2E 9ED	Monday to Saturday 07:30 - 23:30 Sunday 09:00 - 23:00
14/11037/LIPDPS	Wahaca	66 Chandos Place London WC2N 4HG	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
11/08783/LIPVM	Rules Restaurant	34-35 Maiden Lane London WC2E 7LB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/06917/LIPVM	All Bar One	35 - 36 Bedford Street London WC2E 9EN	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:50 Monday to Thursday 08:00 - 23:30
14/02390/LIPDPS	Adelphi Theatre	411 Strand London WC2R 0NS	Saturday to Sunday 09:00 - 00:00 Monday to Friday 09:00 - 04:00
13/05083/LIPDPS	Fire And Stone	31-32 Maiden Lane London WC2E 7JS	Monday to Sunday 00:00 - 00:00
11/10224/LIPDPS	Strand Tandoori	Ground 45 Bedford Street London WC2E 9HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/09093/LIPDPS	Bella Italia	30 Henrietta Street London WC2E 8NA	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
15/01057/LIPVM	Mabel's	29-30 Maiden Lane London WC2E 7JS	Sunday to Tuesday 09:00 - 01:00 Wednesday to Saturday 09:00 - 01:30
12/07790/LIPDPS	La Tasca	23-24 Maiden Lane London WC2E 7NA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/03454/LIPV	Sticks 'n' Sushi	11 Henrietta Street London WC2E 8PY	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 22:50
06/13626/WCCMAC	Concert Artistes Association	20 Bedford Street London WC2E 9HP	Monday to Saturday 11:00 - 01:00 Sunday 12:00 - 22:30

# **Background Documents**



## Application to vary a premises licence under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Capital & Counties CG Ltd and Capital & Counties CG Nominee Ltd

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> 15/02369/LIPT
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### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 17-18 Henrietta Street			
Post town	London	Postcode	WC2E 8QH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£325,000

### Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see Guidance Note 1)  Yes  No

**Please describe briefly the nature of the proposed variation (Please see guidance note 2)**

Restaurant and bar.

Premises licence no. 15/02369/LIPT authorises licensable activities across no.16 and no.17-18 Henrietta Street. The premises historically operated as 2 restaurants (Covent Garden Grill at no. 16 and Porter's English Restaurant at no.17-18) under the same premises licence.

The application proposes to regularise that position by splitting the licence into 2 separate licences, effectively on the same terms as existing. Following pre application advice 15/00954/ECPALM this will be achieved by:

(a) No. 17-18 - varying the existing licence 15/02369/LIPT to remove no.16 from the licensed area and change the layout.

(b) No. 16 - a new premises licence application with appropriate model conditions.

A summary of the current variation in respect of No. 17-18 is as follows:

1. Removing 16 Henrietta Street from the ambit of the licence, and associated condition 6.
2. Vary the remaining premises layout, including:

Ground Floor:

- Reposition front bar counter and associated bar area
- Inclusion of front Butcher room
- Inclusion of DDA compliant toilet
- Inclusion of front & back staircases
- Reconfiguration of restaurant dining area with associated fixed seating

Basement:

- Inclusion of central restaurant bar area with counter seating
- Reconfiguration of restaurant dining area with associated fixed seating
- Improvement and reposition of WC facilities

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur								
Fri						<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat								
Sun								



H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 6)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 9).</p>
---

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 6;

6. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The number specified are:

(a) as to the ground floor in Porters Bar (no. 16) 100 persons.

(b) as to the basement in Porters Bar (no. 16) 40 persons.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

## **M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

### **a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

This application follows pre-application advice from the City Councils' District Surveyor and Environmental Health Officer; ref: 15/00954/ECPALM.

There are no proposed changes to the licensable activities or the permitted hours.

The existing conditions promote the licensing objectives. The following additional works conditions are proposed:

- The number of persons accommodated at any one time (excluding staff) shall not exceed [220](or such other limit agreed with the Environmental Health Consultation Team).

- The variation application will have no effect until the Licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district surveyor's association – technical standards for spaces of entertainment and the reasonable requirements of Westminster environmental health consultation team, at which time this condition will be removed from the licence.

### **b) The prevention of crime and disorder**

Please see a) above

### **c) Public safety**

Please see a) above

### **d) The prevention of public nuisance**

Please see a) above

**e) The protection of children from harm**

Please see a) above
---------------------

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Thomas &amp; Thomas</i>
Date	20/05/2015
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)**

Our ref: AT/JS/COV.5.7

Ryan Peermamode

Thomas & Thomas Partners LLP

38a Monmouth Street

**Post town**

London

**Post code**

WC2H 9EP

**Telephone number (if any)**

020 7042 0417

**If you would prefer us to correspond with you by e-mail, your e-mail address (optional)**

rpeermamode@tandtp.com

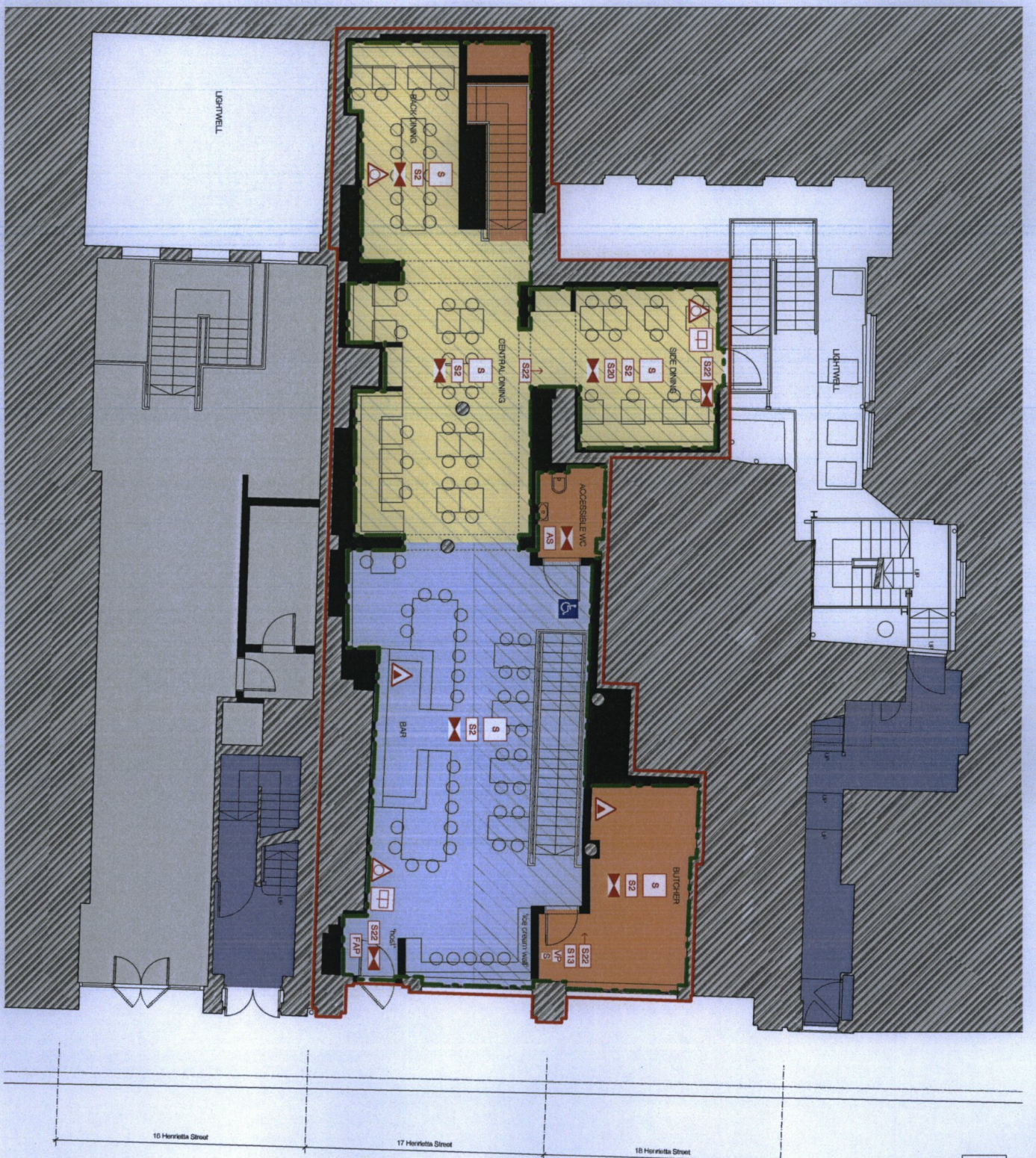
### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.



NOTE:  
Seating layout indicative only



17-18 Henrietta Street - Proposed Ground Floor Plan - Licensing Application  
Scale: 1:50

1:50 @ A1 Scale bar / 1:100 @ A3 Scale bar

DO NOT SCALE FROM THIS DRAWING.  
REFER AND CHECK: RCV  
Drawing scale: 1:50  
Proposed scale: 1:50  
Ground Covered area  
Neighbouring property  
Demolish the

FIRE STRATEGY NOTES  
Use Licensed premises  
This drawing is to be used in conjunction with:  
1. Licensed premises application  
2. Structural engineers drawings  
3. Fire engineers report  
All fire alarm, detection systems and escape lighting to be shown on Services Engineers drawings and specification.  
Evacuation and location of Fire Escapalates subject to review by Building Control and Fire and Rescue Services.

All signage to be positioned in accordance with BS 5393-Part 4  
Areas to be used for licensable activities  
Extent of restaurant  
Extent of bar  
Extent of back of house and WC facilities  
Fire alarm call point with action Fire Action sign adjacent  
Doors free from all listings  
Vision panel  
Door with arched sills  
Water Fire Extinguisher  
Fire Extinguisher in container  
Carbon Dioxide Fire Extinguisher  
Emergency Lighting  
Range Area  
Areas covered by Automatic Heat Detectors  
Areas covered by Automatic Smoke Detectors  
Areas covered by Automatic Smoke Detectors

Directional arrow  
Notes suspended above head height at right angles to the direction of travel  
Notes suspended above head height at right angles to the direction of travel  
Notes suspended above head height at right angles to the direction of travel  
Notes internally illuminated  
Fire exit, Emergency exit notice  
Fire escape keep clear  
No Smoking  
Fire Door Keep Shut  
Fire Rated Window  
Fire Door Keep Locked Shut  
Fire Alarm Panel  
Accessible WC Alarm System

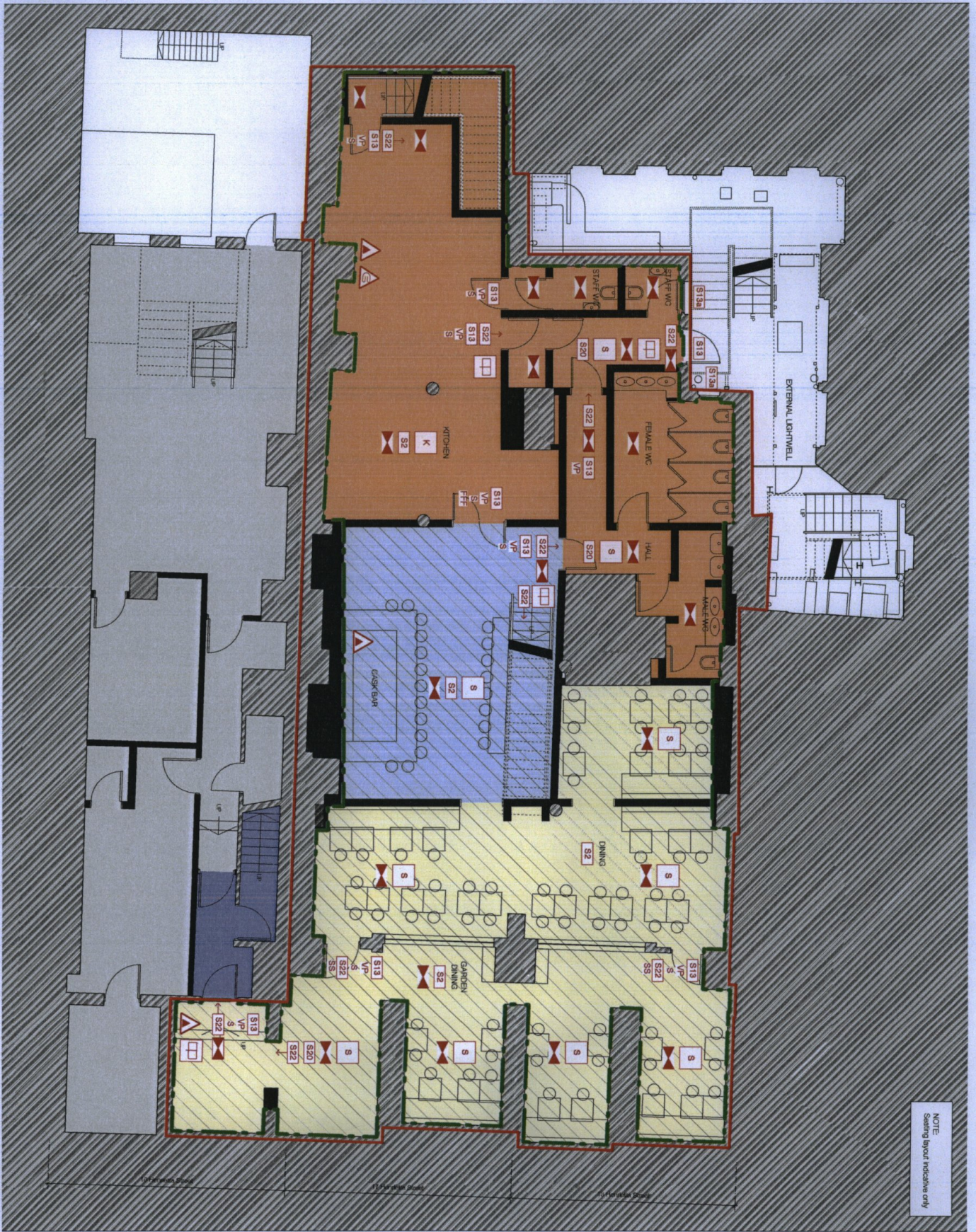
1773 (06)013  
17-18 Henrietta Street  
Proposed Ground Floor Plan  
Licensing Application  
16-18 Henrietta Street

1773 (06)013  
17-18 Henrietta Street  
Proposed Ground Floor Plan  
Licensing Application  
16-18 Henrietta Street

1773 (06)013  
17-18 Henrietta Street  
Proposed Ground Floor Plan  
Licensing Application  
16-18 Henrietta Street

1773 (06)013  
17-18 Henrietta Street  
Proposed Ground Floor Plan  
Licensing Application  
16-18 Henrietta Street

NOTE:  
Setting layout indicative only



1 17-18 Heretape Street - Proposed Basement Floor Plan - Licensing Application  
Scale: 1:50

1: 50 @ A1 Scale bar / 1:100 @ A3 Scale bar

DO NOT SCALE FROM THIS DRAWING.

- PROTECT AND COVER:** NET  
 Existing water  
 Proposed water  
 Staircase  
 New/Existing property  
 Council lot
- FIRE STRATEGY NOTES**  
 This drawing is to be used in conjunction with:  
 1. Fire alarm system design report.  
 2. Structural engineers design report.  
 3. Fire engineers report.  
 All fire alarm, detection systems and escape lighting to be drawn on Services Engineers drawings and specification.  
 Position and location of fire extinguishers subject to review by Building Section and fire services design.  
 All lighting to be positioned in accordance with ES 5408 Part 4  
 Areas to be used for kerbside activities  
 Extent of restaurant  
 Extent of bar  
 Extent of back of house and WC facilities  
 Fire alarm call point with action fire action sign adjacent  
 Doors to be kept shut at all times  
 Water fire extinguisher  
 Fire blanket in container  
 Carbon dioxide fire extinguisher  
 Emergency lighting  
 Refuge area  
 Areas covered by Automatic Heat Detectors  
 Areas covered by Automatic Smoke Detectors

- SYMBOLS:**  
 S22 → Directional Arrow  
 S22 ↗ Notice suspended above hand height at right angled on the egress route  
 S22 ↘ Notice suspended above hand height at right angled on both sides of egress route  
 S22 ↖ Notice (Fire Alarm) illuminated  
 S22 ↗ Fire exit, Emergency exit notice  
 S22 ↘ Fire escape help clear  
 S22 ↖ No Smoking  
 S22 ↗ Fire Door - Keep Shut  
 S22 ↘ Fire Door - Keep Shut  
 S22 ↖ Fire Alarm Panel  
 S22 ↗ Accessible WC Alarm System  
 S22 ↘ Accessible WC Alarm System
- LEGEND:**  
 D LICENSING APPLICATION  
 B PLAN FOR COMMERCIAL USE  
 A PLAN FOR COMMERCIAL USE  
 S PLAN FOR COMMERCIAL USE  
 S PLAN FOR COMMERCIAL USE
- PROJECT:**  
 1773 (09)012  
 17-18 Heretape Street  
 17-18 Heretape Street  
 17-18 Heretape Street  
 17-18 Heretape Street
- DATE:**  
 17-18 Heretape Street  
 17-18 Heretape Street  
 17-18 Heretape Street  
 17-18 Heretape Street

# COVENT GARDEN

capco

Mr & Mrs P McIntyre  
14/17-19 Bedford Street  
Covent Garden  
WC2E 9HE

29 June 2015

Dear Mr & Mrs McIntyre

**Application for Premises Licences  
16-18 Henrietta Street London WC2E 8QH**


We have been passed a copy of your letter in respect of our Premises Licence applications. We hope to address your concerns below.

Capital and Counties own the buildings at 16-18 Henrietta Street and are currently implementing substantial improvement works. As you may know, the premises were previously operated as 'Covent Garden Grill' and 'Porters English Restaurant'. They operated under one Licence, which could still be used by either one or two restaurants.

The historical Licence still permits each restaurant to have a designated bar area and hours beyond Westminster's core hours. Our proposal is to regularise and improve the existing Licence by splitting it in two individual Licences on the same terms as the existing Licence. In addition, we have agreed to add a comprehensive schedule of the Council's Model Licence Conditions to both Licences, a copy of which is enclosed.

Thank you for your consideration of this letter. If you would like to discuss our applications further, please do not hesitate to contact us.

Yours sincerely,



Sam Cotton  
Asset Manager

Encl.



**Operating Schedule – Agreed Licence Conditions for:**  
**16 Henrietta Street**  
**And**  
**17-18 Henrietta Street**

1 - 8 Mandatory Conditions;

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

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

10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. 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.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
15. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a sexual entertainment Venue Licence.



17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
18. 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.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
21. The number of persons accommodated at any one time (excluding staff) shall not exceed [140 for 16 Henrietta Street and 220 for 17-18 Henrietta Street](or such other limit agreed with the Environmental Health Consultation Team).
22. The application will have no effect until the Licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district surveyor's association – technical standards for spaces of entertainment and the reasonable requirements of Westminster environmental health consultation team, at which time this condition will be removed from the licence.

Additional condition proposed by the applicant:

23. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day.



Schedule 12  
Part A

WARD: St James's  
UPRN: 010033551344

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

**Premises licence**

Regulation 33, 34

**Premises licence number:**

15/02369/LIPT

**Original Reference:**

05/04651/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Porter's English Restaurant  
Ground Floor  
16 Henrietta Street  
London  
WC2E 8QH

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**

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

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

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 23:30

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

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 00:30

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:**

Capital \_CountiesCG Ltd And Capital \_Counties CG Nominee Ltd  
15 Grosvenor Street  
London  
W1K 4QZ

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

05860223 and 05860230

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

**Name:** Adam James Garfield

***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:** 2009/00404/LAPER  
**Licensing Authority:** Brighton And Hove City Council

**Date:** 2 July 2015

**This licence has been authorised by Miss Susan Patterson 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 premises 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 reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions for Sale of Alcohol**

9. In the area hatched black on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. 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.
11. The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The number specified are:
- (a) as to the ground floor in Porters Bar (no. 16) 100 persons.
  - (b) as to the basement in Porters Bar (no. 16) 40 persons.

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

12. (i). Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
  - (c) On Good Friday, 12:00 to 22:30
  - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
  - (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
  - (f) On New Year's Eve on a Sunday, 12:00 to 22:30

- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii). Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

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

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

- 13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
  - (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

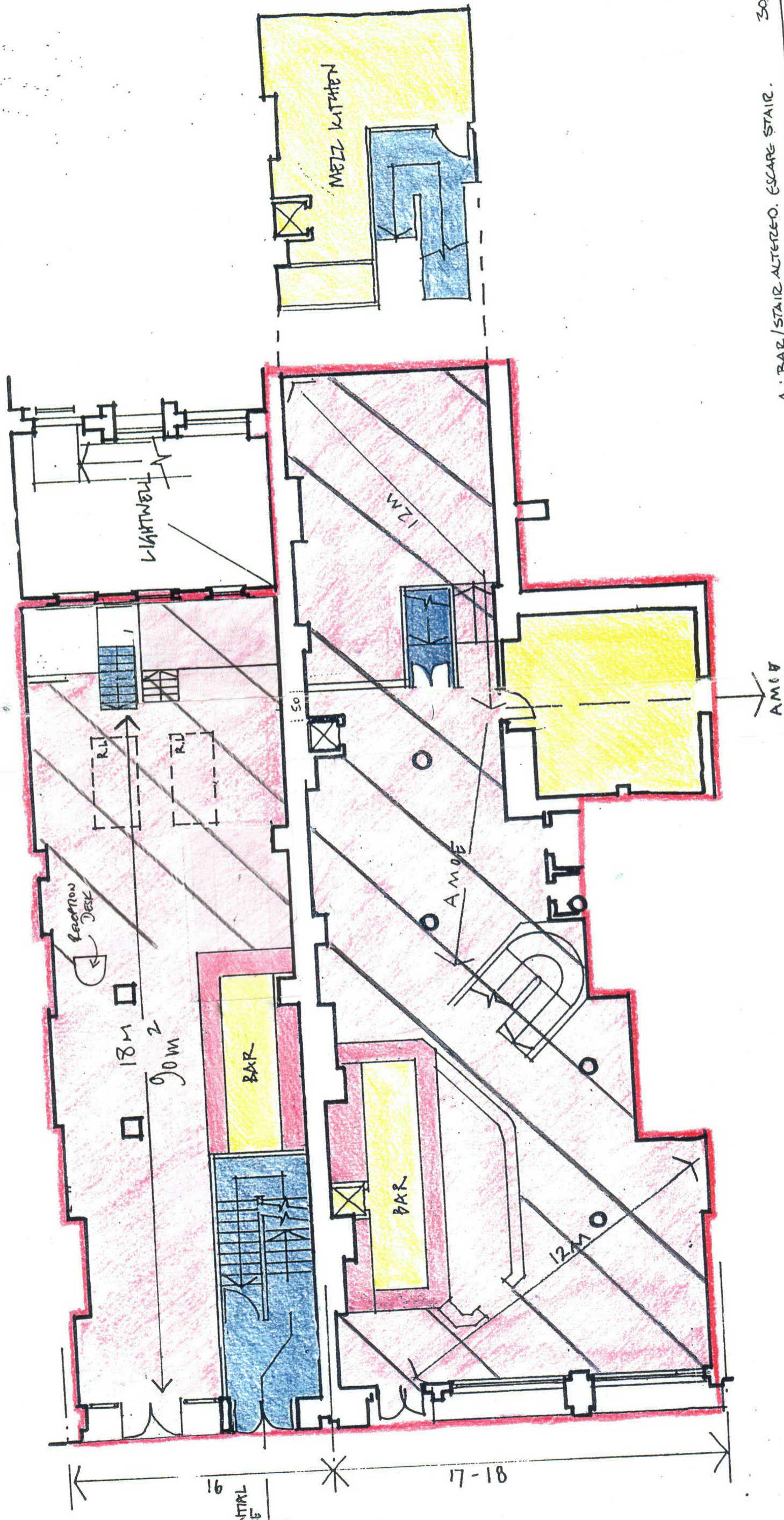
- 14. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

None



30.04.97

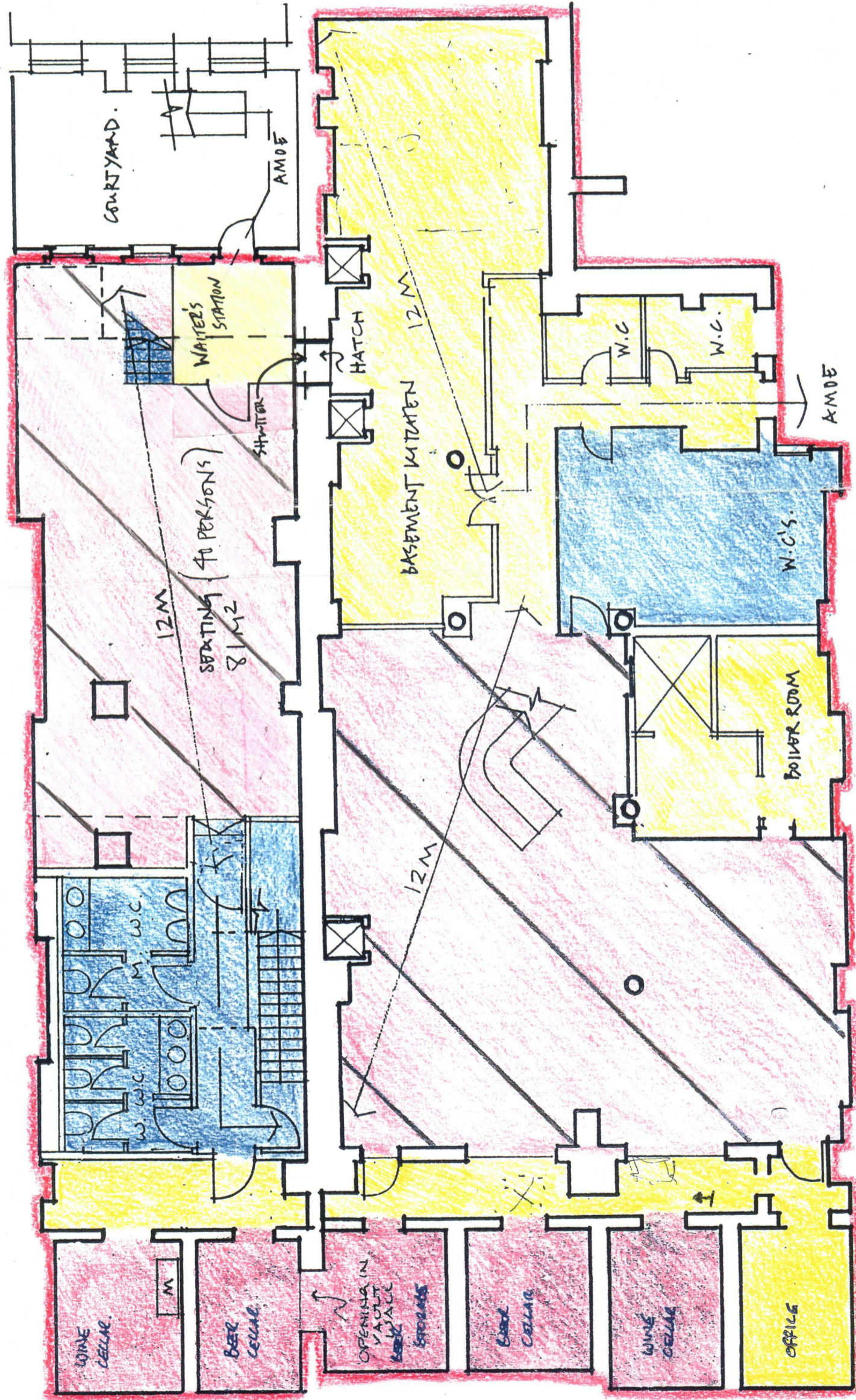
A: BAR/STAIR ALTERED. ESCAPE STAIR. FRONT DOORS.

PROJECT: 16-18 HENRIETTA ST. W.02

DRAWING TITLE <b>PROPOSED GROUND FLOOR</b>	SCALE	1:100	FOR INFORMATION	<input checked="" type="checkbox"/>
	DATE	APRIL 04	FOR TENDER	<input type="checkbox"/>
DRAWING NO. <b>644/GA/03</b>	DESIGNED BY	AH	FOR CONSTRUCTION	<input type="checkbox"/>
REVISION	A			

**ORMS**  
ARCHITECTURE  
DESIGN  
1 PINE STREET LONDON EC4A 0AF  
TEL 0171 833 8333 FAX 0171 837 1515

Proposed Ground floor



30.04.97

A : TOILETS/ STAIR ALTERED

PROJECT 16-18 HENRIETTA ST. W.C.

DRAWING TITLE PROPOSED BASEMENT

DRAWING NO 644/GA/04

REVISION A

DATE APRIL 04

SCALE 1:100

FOR INFORMATION	<input type="checkbox"/>
FOR TENDER	<input type="checkbox"/>
FOR CONSTRUCTION	<input type="checkbox"/>

ORMS  
ARCHITECTURE  
DESIGN  
1 PINE STREET LONDON EC1R 0PH  
TEL 0171 833 8433 FAX 0171 837 7575

Proposed Basement



**TO** Licensing Officer

**REFERENCE** 15/03907/LIPV

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**FROM** EH Consultation Team  
**REFERENCE** 15/018464/EHCT  
**BEING DEALT WITH BY** Rebecca St. Rose (rstrose@westminster.gov.uk)  
**TELEPHONE** 020 7641 2291  
**DATE** 16<sup>th</sup> June 2015

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### **The Licensing Act 2003**

#### **Restaurant & Bar, Ground Floor, 16 – 18 Henrietta Street**

I refer to the application to vary the Premises Licence for the above named premises. The applicant has submitted plans; Drawing Number (06)013, Rev D – Ground Floor dated May 2015 and Drawing Number (06)012, Rev D - Basement, dated April 2015.

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

#### **The premises are located within the West End Stress Area.**

The applicant is seeking the following:

1. To vary the current Premises Licence to remove No.16 from the licensed area and to change the layout to accommodate this.
2. To remove condition 6 from the Premises Licence which reads ‘The maximum number of persons, including staff, to be present in the licensed premises shall not exceed the number specified from time to time by the proper officer of the London Fire and Civil defence Authority. The number specified are:
  - (a) As to the ground floor in Porters Bar (no 16) 100 persons
  - (b) As to the basement in Porters Bar (No.16) 40 persons.

I wish to make Representations on the following grounds:

1. No representation – the applicant has offered a works conditions within the operating schedule which satisfies the Licensing Objectives.
2. Representation is made to the removal of Condition 6 under the Prevention of Public Nuisance and Public Safety, Licensing Objectives. The applicant has offered conditions within the Operating Schedule but these do not fully satisfy the concerns of Environmental Health

**From:** [Liz Keegan](#)  
**To:** [Premises Licensing](#)  
**Subject:** 16-18 Henrietta Street, London WC2E 8QH  
**Date:** 16 June 2015 09:11:05

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Licensing Applications  
Westminster City Council  
4th Floor (South)  
City Hall  
64 Victoria Street  
London SW1E 6QP

By email: [premiseslicensing@westminster.gov.uk](mailto:premiseslicensing@westminster.gov.uk)

16 June 2015

Dear Sir/Madam,

**16-18 Henrietta Street, London WC2E 8QH**  
**Application for new premises licence ref: 15/03907/LIPV**

We live at 14/17-19 Bedford Street Covent Garden WC2, almost directly opposite this premises.

We write to object to this application on the grounds that the likely effect will be to harm the licensing objective of 'prevention of public nuisance'. We also object on the grounds of cumulative impact in what is a designated 'stress area' under Westminster City Council's Statement of Licensing Policy 2011.

#### Background

We live opposite the premises and our two bedrooms, living room and kitchen windows look directly upon it.

We are aware that this application is one of two (the other being 15/03912/LIPN) which have the combined effect of seeking to create two licences from one licence. We believe that the premises has previously been licensed under ref: 09/02377/LIPDPS. We are advised that the licence is a 'converted' licence from the previous legislation, and therefore contains no modern conditions which are commonly proposed/agreed to promote the licensing objectives.

This application seeks to remove no16 from the ambit of the premises licence, and to make various changes to the layout. One of the changes in layout is to provide a 'central restaurant bar area with counter seating' in the basement. As far as we are aware, the premises has always been a restaurant and should remain so, with

no bar use except for those waiting to dine.

### Prevention of public nuisance, and Cumulative impact

-

The application raises a number of issues. We fear that the whole area is losing its heart and community and theatre land in favour of late night drinking culture and all that comes with it. Both the applications for this site propose a later terminal hour, beyond the Council's 'core hours' Policy, and neither are restricted to full 'restaurant' conditions. The streets surrounding are already inundated with eateries theatre pubs bars and restaurants do making the establishments bigger and longer hours will set a precedence for all the other bars and clubs.

Resident life is being squeezed out as closing hours lengthen, bottle collection and refuse collection mounts up, revellers roam the streets and early deliveries make living in the area harder and harder. All these issues are explicitly recognised in the City Council's Statement of Licensing Policy, and get worse with late licences being granted. Creating two licences from the existing licence could increase these current issues. We do not know who the proposed operators are, or how they intend to operate the premises.

These are very real problems, and have a day-to-day effect on residents' lives. However, in this case, We appreciate that a licence already exists, which reduces the prospect of these two applications being refused entirely. We appreciate that the current licence requires 'restaurant' conditions in only part of the premises. However, given the problems that residents in this area experience with increasing noise and nuisance as more and more applications are granted, We think it is appropriate that the full restaurant condition (Model Condition 66) applies to this licence throughout the premises. Ideally, we would also like the licence to be restricted to core hours.

Other conditions could be agreed (or, if not, imposed by Licensing Sub-Committee), such as limits on the times when deliveries take place, and when rubbish, including glass bottles, is collected. I think that servicing of this type should only be carried out between 8am and 9pm Mon-Fri, 9am to 8pm Saturday and Sunday.

We would like outside drinking to be forbidden, so at least noise is restricted inside the premises apart from when people leave, which is a concern. Does the applicant have an operator in mind for this premises? Do they have robust policies, procedures and training to ensure that customers are directed away from residential areas? Given the proximity to residential accommodation, a limit on the

number of smokers permitted outside at any one time should be imposed, to alleviate noise nuisance.

We should be grateful if the applicant could confirm a couple of points for clarification:

- Is the overall licensable area increasing as a result of these two applications?
- Is the overall capacity increasing as a result of these two applications?

If the answer to either or both of these questions is 'yes', then this directly on the cumulative impact policies which the City Council has in place.

### Conclusion

We look forward to being kept informed of any developments and would like to attend or be represented at any subsequent hearing in this matter.

Yours faithfully,

Philip and Caroline McIntyre  
14/17-19 Bedford Street  
Covent Garden  
WC2E 9HE

**From:** [Liz Keegan](#)  
**To:** [Nelson, Nicholas](#)  
**Subject:** Notice of hearing for 16-18 Henrietta Street variation (15/03912/LIPN)  
**Date:** 02 July 2015 09:23:11

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Dear Mr Nelson

I believe that the application has now reverted back to 2 separate applications with strong conditions that exist already: No drinking without food etc.

If this is correct then maybe there is no reason for a hearing?

I am hoping that the new application on Henrietta street will not allow drinking in the street it will add to the noise pollution and encouraging an already out of control drinking culture surely?

It seems that the government are informing of dangers of binge drinking and anti social behaviour on the one hand and encouraging and expanding the drinking culture on the other.

We cannot attend that day but can we be informed if someone can represent the residents of the area and stand up for a diminishing quality of life in the area forcing people to chose alternative areas to live in.

Eventually the vital life force of the area will be beaten by the ever increasing late night activity. Policing is nonexistent and sleep deprivation is a problem with the loss of office and retail in favour of restaurants and drinking. As it is the building garbage pile ups on every street alley, doorway, roadside and street corner and it will just be come intolerable.

It is a real drain on resources and waste.

With regards

Mrs CJ McIntyre  
14,19 Bedford Street  
London  
WC2E 9HE

Begin forwarded message:

**From:** "Nelson, Nicholas"  
<[nnelson@westminster.gov.uk](mailto:nnelson@westminster.gov.uk)>  
**Date:** 1 July 2015 15:48:58 BST  
**To:** Liz Keegan <[Liz@mcintyre-ents.com](mailto:Liz@mcintyre-ents.com)>  
**Subject: Notice of hearing for 16-18 Henrietta Street variation (15/03912/LIPN)**

Dear Mr McIntyre,

Please find attached the notice of hearing letter for the above application.

Kind regards,

Nick

COVENT GARDEN  
capco

23-24 HENR ET TA STREET  
COVENT GARDEN  
capco

CG

Bringing new life  
to the Garden

01/06/2015 15:42

Safe Working Level (SWL) 1.1  
The above information is for  
reference only

CAUTION  
Do not stand under loads  
kept out of the work area  
by crane jibs

We apologise  
for any  
inconvenience  
caused



01/06/2015 15:41



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IN PROGRESS

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worn  
worn

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until:  
place:  
reason:  
ref:  
**NO** Loading  
Waiting

EXCITING NEW CONCEPT  
COMING SOON

01/06/2015 15:41