



To the residents

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Dear Sir/ Madam

**Our client - Spirit Pub Company (Services) Limited
Phoenix 51 Moscow Road Bayswater London W 2 4AL**

I act for Spirit (Part of Greene King) in relation to their application to vary the premises licence at the above premises.

My client has carefully considered your representation, as well as those made from other residents in the vicinity and would like to take this opportunity to inform you of changes we have made to the application in light of your comments.

Change in hours

Following your comments, my client has decided to amend the application so that they are only applying for an extension to the hours in line with the City of Westminster Statement of Licensing Policy 'Core Hours' policy. This means that in real terms the extensions being applied for are as follows:

For sale of alcohol, late night refreshment and closing time for customers:

Monday to Thursday: 10:00 to 23:30 (an additional 30 minutes)

Friday and Saturday: 10:00 to midnight (an additional 1 hour)

Sunday: midday to 22:30 (no change- alcohol only- no application for late night refreshment)

Our client is also requesting that the restriction on the current licence relating to trading during the day on Good Friday is removed.



The extension to hours are being applied for to permit the Phoenix to trade the same hours as the other public houses in the immediate vicinity. The purpose is to enable customers who are currently leaving the Phoenix to go to another pub nearby for last orders to stay where they are for the additional time. It is not anticipated that the small extensions now being applied for will attract any more customers to the premises for the simple reason that we are not seeking to offer anything that they would not expect to get at any other pubs in the vicinity. The extension will simply permit customers to remain at the Phoenix rather than having to go elsewhere before or at the current terminal hour.

Addition of conditions to the premises licence

In addition to the change in hours, my client have agreed, following discussions with the metropolitan police and environmental protection officer, to add the following conditions to the premises licence in return for the modest increase in hours to reflect Westminster core hours.

The conditions we have agreed are as follows:

Agreed with the police

1. 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.
2. 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.
3. All customers to be off the premises by midnight (**police requested 00:30, but pulled back in line with core hours policy**)
4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

Agreed with the Environmental Protection officer

5. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or its vicinity save for on the private forecourt on Moscow Road.
6. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. 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.

8. 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.

9. When amplified music is being played all windows and external doors shall be kept closed except for the immediate access and egress of persons.

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

11. All outside tables and chairs shall be removed or rendered unusable by 22.30 hours.

12. After 22:30 hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

13. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.

14. 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.

15. 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.

16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

17. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 08.00 hours on the following day.

18. 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.

Conditions offered based on resident's representations (where not covered by agreed conditions above)

19. Staff will regularly collect glasses from outside the premises (at least every 20 minutes) and inform the duty manager of anything they witness that they consider might undermine the prevention of public nuisance objective. It will be for the duty manager to take reasonable measures to ensure that no public nuisance is caused. Such checks will be logged in a log kept for the purpose.



20. 15 minutes before the terminal hour for sale of alcohol, 'last orders' will be called, music levels turned down to 'background' levels and lighting adjusted (increased) to indicate that the premises is preparing to close.

21. A complaints log (the Log) shall be maintained and all complaints made to the premises shall be recorded in the Log. As a minimum, the Log will record the date and time of the complaint, the name and address of the complainant (if known), the name of the person recording the complaint, the nature of the complaint and any action taken thereafter.

22. From 20 minutes prior to closing the premises, the duty manager will patrol outside the front of the premises to ensure a quiet customer dispersal. The duty manager will remain outside until such time as the last customers have left. On the basis that these conditions are to be added to the licence, the police and environmental protection officer who made representations to the application initially have withdrawn their representations.

Going forward

Spirit would like to re-iterate their obligation to working with their neighbours in order to ensure that the premises can operate without causing any undue disturbance. They recognise that there is a balance to be struck between operating a pub that is inviting to customers and provides a resource for the community, both residents and people who work in the neighbourhood, and ensuring that as little disturbance as possible is caused to residents.

My client will continue to look at best practice and working with residents and to that end would ask that you contact the manager or business development manager to discuss any such concerns. Please feel free to contact me if you are interested in such discussions and I will put you in direct contact with my client.

Yours sincerely

Piers Warne
Associate
for TLT LLP

