



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	29 September 2016
Licensing Ref No:	16/08105/LIPV - Premises Licence Variation
Title of Report:	The Lockhart Ground Floor 24 Seymour Place London
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	1 August 2016		
Applicant:	Gate Hammersmith Limited		
Premises:	The Lockhart		
Premises address:	Ground Floor 24 Seymour Place London W1H 7NL	Ward:	Bryanston and Dorset Square
		Cumulative Impact Area:	Edgware
Premises description:	The premise is currently operating as a southern American style restaurant and bar.		
Variation description:	<p>The application is to vary the layout of the premises as shown on the plans (see Appendix 1) for general refurbishment including:</p> <p>Ground Floor: Inclusion of outside area at the front, introduction of fixed seating and service bar, kitchen door relocated and staircase reconfigured.</p> <p>Basement: Installation of cold room and reduction of footprint of dining area.</p> <p>The applicant has also applied to remove condition 19 from the premises licence; <i>The number of persons accommodated at the premises shall be: Ground Floor - 30 persons excluding staff. Basement - 40 person excluding staff and;</i></p> <p>To vary the opening hours to allow the premises to open at 08:00 Monday to Saturday and 09:00 on Sunday.</p>		
Premises licence history:	The premises has been licensed since April 2007		
Applicant submissions:			

1-B Current and proposed licensable activities, areas and hours

Hours premises are open to the public

	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	08:00	23:30	Ground Floor and Basement.	Ground Floor and Basement.
Tuesday	10:00	23:30	08:00	23:30		
Wednesday	10:00	23:30	08:00	23:30		
Thursday	10:00	23:30	08:00	23:30		
Friday	10:00	00:00	08:00	00:00		
Saturday	10:00	00:00	08:00	00:00		
Sunday	12:00	22:30	09:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays : 12:00 until 00:00				Sundays before Bank Holidays : 09:00 until 00:00	

1-C Layout alteration

The application is to vary the layout of the premises as shown on the plans (see Appendix 1) for general refurbishment including:

Ground Floor: Inclusion of outside area at the front, introduction of fixed seating and service bar, kitchen door relocated and staircase reconfigured.

Basement: Installation of cold room and reduction of footprint of dining area.

1-D Conditions being varied, added or removed

Condition	Proposed variation
19. The number of persons accommodated at the premises shall be Ground Floor – 30 persons excluding staff Basement – 40 persons excluding Staff	To be removed
Adult entertainment:	Current position:
	None
	Proposed position:
	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Ayesha Bolton
Received:	25 th August 2016
<p>I wish to make the following representation.</p> <ol style="list-style-type: none"> 1. The change of layout and addition of the external area to the licenced area will have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area. 2. The removal of condition 19 as requested may impact on Public Safety within the area. 3. No representation. <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p>	

2-B Other Persons			
Name:	Ms Tracy Williams		
Address and/or Residents Association:	55 Upper Berkeley Street London W1H 7PP		
Status:	Valid	In support or opposed:	Opposed
Received:	10 th August 2016		
<p>Noise and disturbance from people drinking alcohol is problematic in this area as the Portman pub and the Carpenter's Arms have many customers spilling into the streets late at night. This application will further add to the noise pollution which already makes it difficult for my family including my school age child to sleep at night. The noise from unregulated musical rickshaws adds to this. For the reasons outlined here I'd like to lodge an objection to the Gate's request for a late licence.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy HRS1 applies:	i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy RNT2 applies:	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 Cumulative Impact Areas.

4. Appendices

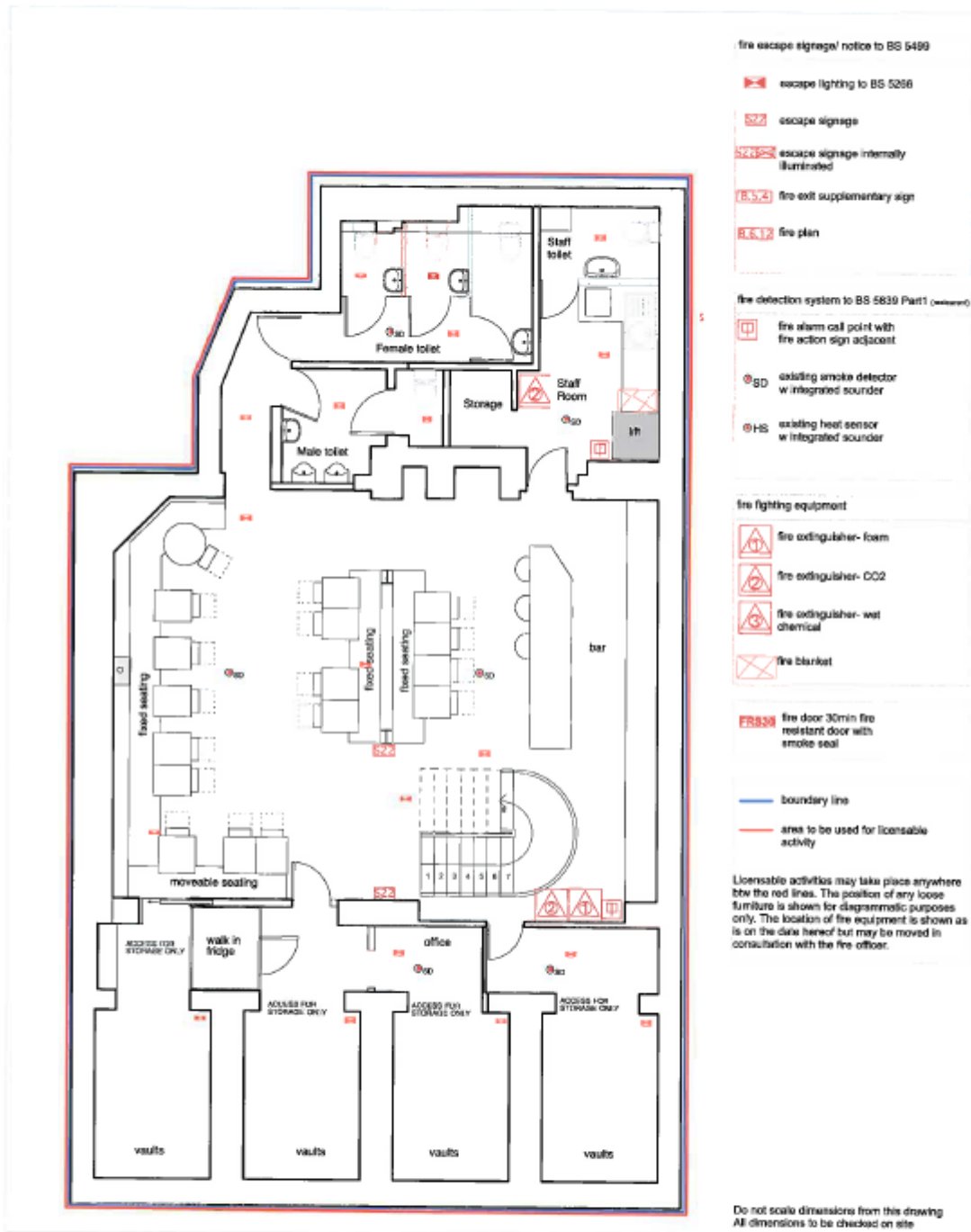
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

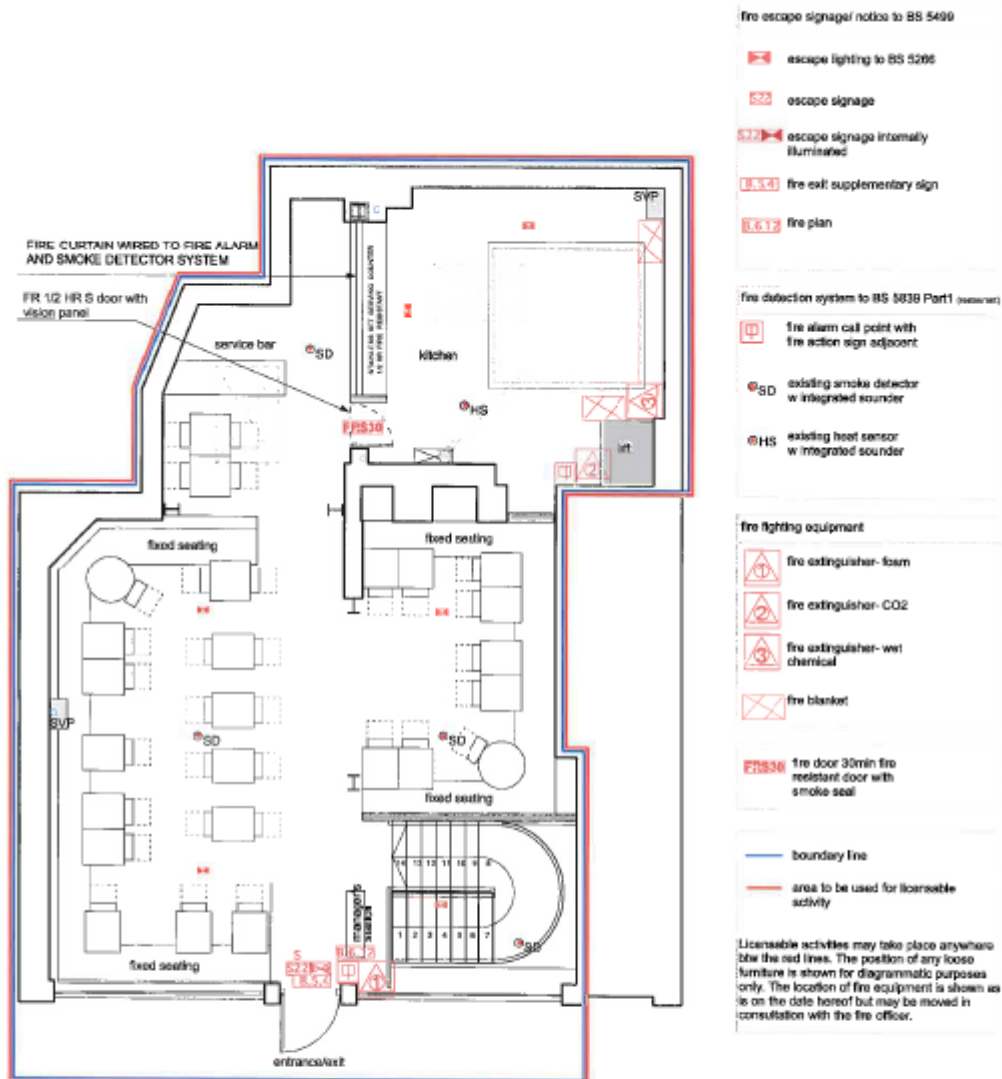
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	1 st August 2016
5	Plan	1 st August 2016
6	Representation – Environmental Health	25 th August 2016
7	Representation – Ms Tracey Williams	10 th August 2016



Project: 22-24 Seymour Place
 Title: A20-Proposed Basement
 Date: 28 July 2016
 Scale: 1:100 @A4

Studio Alice
 info@studioalice.co.uk



Do not scale dimensions from this drawing
All dimensions to be checked on site

Project: 22-24 Seymour Place
Title: A10-Proposed Groundfloor
Date: 28 July 2016
Scale: 1:100 @A4

Studio Alice
info@studioalice.co.uk

Applicant Supporting Documents

Appendix 2

None Submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
07/01990/LIPN	Application for New Premises Licence	17 th April 2007	Granted under Delegated Authority
12/07107/LIPT	Transfer	5 th October 2012	Granted under Delegated Authority
13/02525/LIPT	Transfer	2 nd May 2013	Granted under Delegated Authority
13/02551/LIPVM	<p>Minor Variation</p> <p>This application is to amend the plans to the premises. The applicants have recently acquired the premises and upon doing so did not realise that the plans provided to them were not the same as the plans on the licence. They therefore seek minor changes as set out on the plans to update the plans to reflect the true layout of the premises as well as improving the premises to promote the four licensing objectives.</p>	2 nd May 2013	Granted under Delegated Authority
13/04043/LIPDPS	Vary Designated Premises Supervisors	18 th June 2013	Granted under Delegated Authority
14/10443/LIPDPS	Vary Designated Premises Supervisors	14 th January 2015	Granted under Delegated Authority
16/00556/LIPDPS	Vary Designated Premises Supervisors	1 st February 2016	Granted under Delegate Authority

16/04058/LIPDPS	Vary Designated Premises Supervisors	6 th May 2016	Granted under Delegated Authority
16/07819/LIPT	Transfer	14 th September 2016	Granted under Delegated Authority
16/07922/LIPDPS	Vary Designated Premises Supervisors	14 th September 2016	Granted under Delegated Authority

There is no appeal history

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

When determining an application for a variation of a 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.

Annex 2 – Conditions consistent with the operating Schedule

9. There shall be no adult entertainment in the form of nudity or restricted films shown.
10. Recorded music will be background.
11. Patrons will be asked to leave the premises quietly.
12. No noise generated from within the premises shall be audible from within any noise sensitive premises.
13. Unaccompanied children shall not be permitted on the premises after 21:00.
14. Licensable activities shall be permitted from the end of hours on New Year's Eve to the commencement hours on New Year's Day.
15. Other than to patrons seated in the bar area, the Sale of Alcohol 'On' the premises shall only be to persons taking a table meal there and consumption by such a person as ancillary to their meal.
16. Any alcohol served in the bar area shall only be served to patrons waiting to be seated for a table meal in the restaurant.
17. The Supply of Alcohol shall be by waiter or waitress only.
18. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. The number of persons accommodated at the premises shall be
Ground Floor - 30 persons excluding staff
Basement 40 person excluding staff
20. The premises will install and maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and

exit points, and the street environment and which enables frontal identification of every person entering in any light condition. That the CCTV system will be in accordance with the advice of, and to the satisfaction of, a Metropolitan Police Crime Prevention Officer. All cameras shall continually record whilst the premises are open to the public and the recordings shall be made and retained for at least thirty-one days and shall be readily available for inspection by the Police or an authorised officer from Westminster City Council.

21. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the schedule collection times.

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

None.

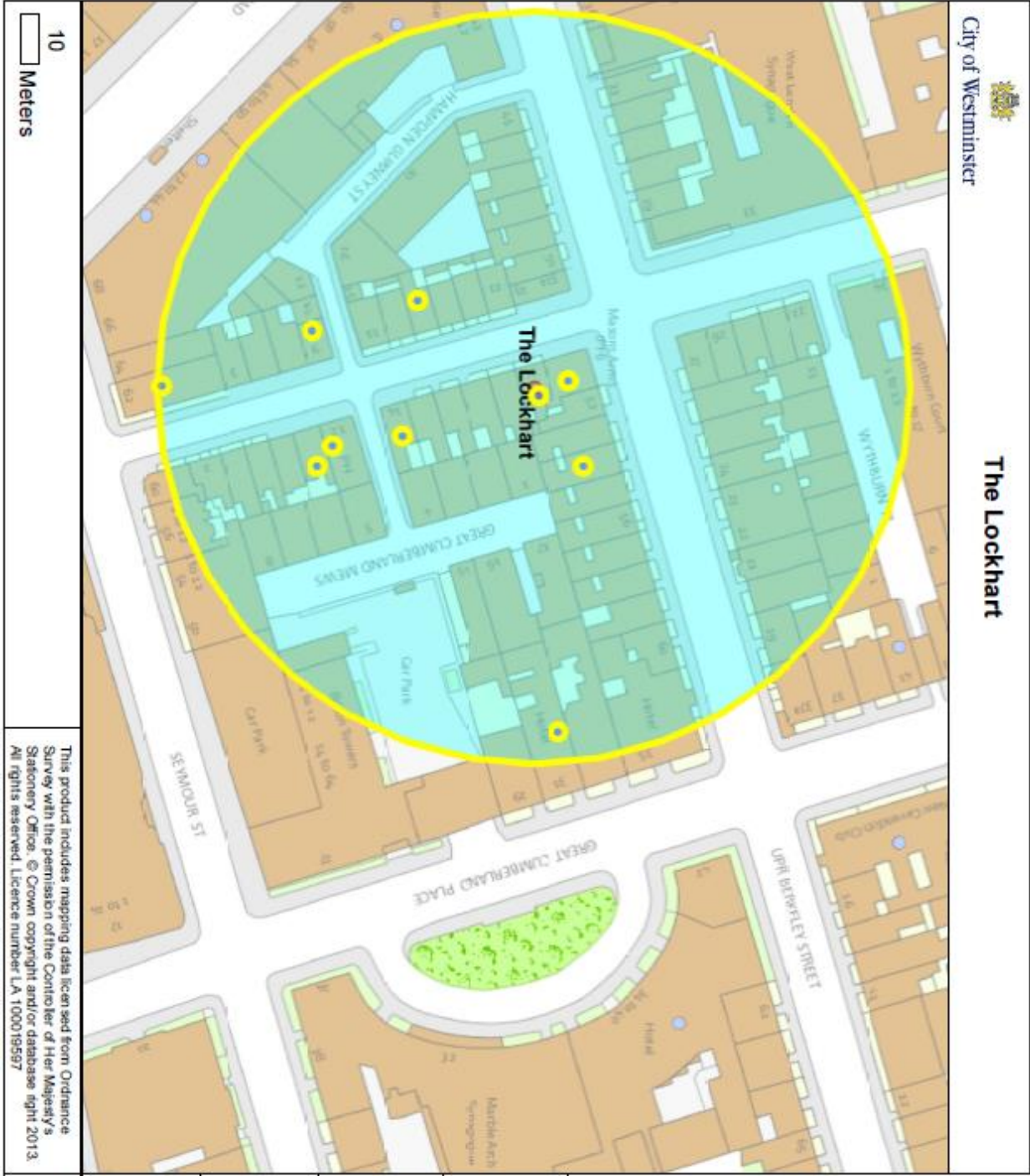
Proposed conditions from Environmental Health *(these conditions have been agreed by the applicant)*

22. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take alcoholic 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 entire 31 day period.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
26. 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.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

28. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
29. All tables and chairs shall be removed from the outside area by **23.00** each day.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
31. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
33. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
34. 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.
35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
36. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

Residential Map and List of Premises in the Vicinity

Appendix 5



<p>10 Meters</p>	<p>This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationary Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597</p>	<p>Residential / Proposed Residential</p>	<p>Under Construction</p>	<p>Other Uses</p>	<p>Proportion Residential of all Uses</p>	<p>295</p>
<p>Data Source: Uniform Database Date: 14/09/2016</p>						

Premises within 75 metres of The Lockhart, 24 Seymour Place, London, W1H 7NL

p/n	Name of Premises	Premises Address	Licensed Hours
18938	Bernardi's	62 Seymour Street London W1H 5BN	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
-28979	Donostia	Basement And Ground Floor 10 Seymour Place London W1H 7ND	Sunday 11:30 - 21:00 Monday to Saturday 11:30 - 23:00
-20341	The Marble Arch By Montcalm London	31 Great Cumberland Place London W1H 7TA	Monday to Sunday 00:00 - 00:00
-15598	Donostia	9 Seymour Place London W1H 5BA	Sunday 10:00 - 21:00 Saturday 10:00 - 23:00 Monday to Friday 11:30 - 23:00
22828	The Sumner Hotel	54 Upper Berkeley Street London W1H 7QR	Monday to Sunday 00:00 - 00:00
27265	Sandy's	14 Seymour Place London W1H 7NF	Sunday 11:00 - 23:00 Monday to Saturday 11:00 - 23:30
32157	Carpenters Arms	12 Seymour Place London W1H 7NE	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
-25019	The Portman	51 Upper Berkeley Street London W1H 7QW	Monday to Friday 07:30 - 00:00 Saturday 09:00 - 00:00 Sunday 09:00 - 23:30
31290	Vinoteca	15 Seymour Place London W1H 5BE	Monday to Sunday 08:00 - 23:00