



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	16 th March 2017
Licensing Ref No:	17/00733/LIPV - Premises Licence Variation
Title of Report:	Foundation Basement 5 Langley Street London WC2H 9JA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss 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:	23 January 2017		
Applicant:	A3D2 Limited		
Premises:	Foundation		
Premises address:	Basement 5 Langley Street London WC2H 9JA	Ward:	St James
		Cumulative Impact Area:	West End
Premises description:	The premises is licensed to operate as a nightclub where the sales of alcohol are ancillary to the provision of music, dancing and substantial refreshment.		
Variation description:	<p>The applicant has applied to extend the hours for licensable activities as follows:</p> <p><u>Regulated Entertainment</u> - To be extended on Thursdays, Fridays and Saturdays to the proposed hours of 09:00 to 03:00 the following morning (a two hour extension to the terminal hour).</p> <p><u>Late night refreshment</u> - To be extended on Thursday, Friday and Saturday to 23:00 to 03:30 the following morning (a two hour extension to the terminal hour).</p> <p><u>Sale of alcohol</u> - To be extended on Thursday, Friday and Saturday to 10:00 to 03:00 the following morning (a two hour extension to the terminal hour).</p> <p><u>Opening hours</u> - To be extended on Thursday, Friday and Saturday to 09:00 to 03:30 the following morning.</p> <p>The hours for the remainder of the week will remain as existing.</p>		
Premises licence history:	The premises has been licensed since May 2005.		
Applicant submissions:	None Submitted.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	01:00				

Tuesday	09:00	01:00	No change.		See Plan attached at appendix 1	No Change.
Wednesday	09:00	01:00				
Thursday	09:00	01:00	09:00	03:00		
Friday	09:00	01:00	09:00	03:00		
Saturday	09:00	01:00	09:00	03:00		
Sunday	09:00	01:00	No change.			
Seasonal variations:	Current:				Proposed:	
Non-standard timings:	See condition 31 at appendix 4				No change.	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	01:00	No change.		See Plan attached at appendix 1	No Change.
Tuesday	09:00	01:00				
Wednesday	09:00	01:00				
Thursday	09:00	01:00	09:00	03:00		
Friday	09:00	01:00	09:00	03:00		
Saturday	09:00	01:00	09:00	03:00		
Sunday	09:00	01:00	No change.			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	See condition 31 at appendix 4				No change.	

Anything of a Similar Description						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	01:00	No change.		See Plan attached at appendix 1	No Change.
Tuesday	09:00	01:00				
Wednesday	09:00	01:00				
Thursday	09:00	01:00	09:00	03:00		
Friday	09:00	01:00	09:00	03:00		
Saturday	09:00	01:00	09:00	03:00		
Sunday	09:00	01:00	No change.			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	See condition 31 at appendix 4				No change.	

Late night refreshment						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:30	No change.		See Plan attached at appendix 1	No Change.
Tuesday	23:00	01:30				
Wednesday	23:00	01:30				
Thursday	23:00	01:30	09:00	03:30		
Friday	23:00	01:30	09:00	03:30		

Saturday	23:00	01:30	09:00	03:30		
Sunday	23:00	01:00	No Change.			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	See condition 34 at appendix 4				No change.	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	No Change.		See Plan attached at appendix 1	No Change.
Tuesday	10:00	01:00				
Wednesday	10:00	01:00				
Thursday	10:00	01:00	10:00	03:00		
Friday	10:00	01:00	10:00	03:00		
Saturday	10:00	01:00	10:00	03:00		
Sunday	12:00	00:30	No change.			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	See condition 31 at appendix 4				No change.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	01:30	No change.		See Plan attached at appendix 1	No Change.
Tuesday	09:00	01:30				
Wednesday	09:00	01:30				
Thursday	09:00	01:30	09:00	03:30		
Friday	09:00	01:30	09:00	03:30		
Saturday	09:00	01:30	09:00	03:30		
Sunday	09:00	01:00	No change.			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	See condition 31 at appendix 4				No change.	

1-C	Layout alteration
No changes to the layout have been applied for.	

1-D	Conditions being varied, added or removed
Condition	Proposed variation

The applicant has not applied to vary, add or remove any of the conditions currently attached to the premises licence.	No Change.
Adult entertainment:	Current position: Not Applicable
	Proposed position: Not Applicable

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Adam Deweltz
Received:	1 st February 2017
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>This application will have to be heard before the Licensing Sub-Committee.</p> <p>Note: The Police have proposed a list of conditions to be attached to the licence should the application be granted. Please refer to Appendix 4 for the conditions.</p>	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	16 th February 2017
<p>I refer to the application for variation of licence 12/06337/LIPDPS for the above premises which located in the West End Cumulative Impact Area.</p> <p>The applicant is seeking the following variations:</p> <ol style="list-style-type: none"> 1. Extend the hours for the provision of Regulated Entertainment (to include performance of dance, live music and anything of a similar description to live and recorded music) on Thursdays, Fridays and Saturdays from the current hours of 09:00 to 01:00 the following morning to the proposed hours of 09:00 to 03:00 the following morning. 2. To extend the Provision of Late Night Refreshment on Thursday, Friday and Saturday from the current hours of 23:00 to 01:30 to 23:00 to 03:30 the following morning. 3. To extend the Supply of Alcohol on Thursday, Friday and Saturday from the current hours of 10:00 to 01:00 the following morning to 10:00 to 03:00 the following morning. <p>I wish to make the following representations:</p>	

1. The extension in hours for the Regulated Entertainments requested may lead to an increase in Public Nuisance in the West End Cumulative Impact Area
2. The extension in hours requested for the Provision of Late Night Refreshment may
3. lead to an increase in Public Nuisance in the West End Cumulative Impact Area
4. The extension in hours requested for the Supply of Alcohol may lead to an increase in
5. Public Nuisance in the West End Cumulative Impact Area

The increase in hours requested for the stated licensable activities are a further increase beyond 'core hours' in the Cumulative Impact Area.

The applicant has not submitted additional conditions in mitigation but has submitted Foundation policies on Food, Smoking Area and Dispersal in support of the application. These are insufficient to allay Environmental Health concerns.

Additionally the applicant states that *'The current policies, procedures and conditions of the premises licence will be complied with.'* However some of the conditions on the licence are out-dated, superfluous or have been superseded by other legislation. Environmental Health therefore advises that these conditions should be updated even if the variation is not granted as this will assist operationally in the management of the premises.

Representations are made against the application as presented on Public Nuisance grounds and for being against Cumulative Impact Area policy.

2-B Other Persons	
Name:	Mr Kenton Price
Address and/or Residents Association:	7 Fielding Court 28 Earlham Street London WC2H 9LN
Received:	9 th February 2017
<p>I strongly object to this application. There are no other premises in this part of Covent Garden open until this time. Some of the most disturbing street noise comes from drunken late-night stragglers wandering the streets, waking up residents in the otherwise late-night quiet of Seven Dials, where all the bars close at 11pm. The venue is drink-led with a capacity of 500 people, these drunken revellers will empty out onto the quiet backstreets of Seven Dials to disturb us as residents. The application should in any case be refused under Westminster policy CIP1 as it is beyond Core Hours, and there are no factors justifying a policy exception. This application should be refused outright.</p>	
Name:	Mrs Jane Pleydell-Bouverie
Address and/or Residents Association:	Flat 11 25 Shelton Street London WC2H 9HW
Received:	19 th February 2017
<p>My husband I are very strongly opposed to this application for an extension of the opening</p>	

hours to 3.30am of the Foundation Bar. We would be unable to sleep while people would be constantly leaving the Bar so this would be extremely detrimental to the quality of our lives. In addition to the completely unacceptable noise, we expect it would lead to increased rubbish in the surrounding streets which is a problem in any case so we think this is a highly antisocial proposal.

Name:	Mr David Kaner
Address and/or Residents Association:	on behalf of the Covent Garden Community Association. 42-44 Earlham Street Covent Garden London WC2H 9LA
Received:	28 th January 2017

This Representation is being made on behalf of the Covent Garden Community Association.

We object to the proposal to extend the hours of operation of these premises until 03:30 (closing) and the extension of licensable activities to 03:00. The premises and customers arriving and leaving, as well as congregating outside already cause a nuisance to residents in the area and the number of people affected will increase now that the site on the West side of Langley Street opposite has been brought into residential use. In addition we believe that there will be an increase in crime and disorder because of the people attracted to such a late operating venue It will also add to the cumulative impact on Public Nuisance and Crime and Disorder in the area as a whole

This Representation is a "holding" note as the full Application, including any proposed changes in Operating Schedule, has not yet been published on the Licensing Register. Once this has been done we add to these comments.

This representation is being made by the Covent Garden Community Association (CGCA). CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area. The CGCA's Licensing Subcommittee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 16th March 2015.

This Representation is being made regarding the Application to vary the Premises Licence for Foundation, a bar and club situated at basement level on Langley Street, a small street which runs between Shelton Street and Longacre. The premises is currently licensed to remain open until 01:30 Monday to Saturday and 00:30 on Sunday with licensable activities ending 30 minutes earlier than this. The application seeks to extend the opening hours on Thursday to Saturday until 03:30 the following day with activities still ending 30 minutes earlier. There are no proposals to change or add any conditions in order to mitigate any impact on the Licensing Objectives. Under the current licence the premises have a capacity of 500 excluding staff. There are no door supervisor conditions on the face of the licence although some door supervisors are employed at the premises.

Policy Position:

The premises are situated within the West End CIA and as a result Policy CIP1 applies. This states that *'It is the Licensing Authority's policy to refuse applications in the Cumulative Impact 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.'* Foundation is a bar/club which offers facilities for music and dancing outside Dore Hours and as a result this policy clearly applies and the application should be refused.

The reason for the existence of the CIA is stated in the Policy in Paragraph 2.4.1, an excerpt of which is below.

These areas have been identified as Cumulative Impact Areas because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the Cumulative Impact Areas arises from the number of people there late at night; a considerable number of them being intoxicated, especially in the West End Cumulative Impact Area.

The Statement of Licensing Policy is also clear that any exception to CIP1 needs to be truly exceptional. This is stated in Paragraph 2.4.5.

The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the Cumulative Impact Area policies to refuse certain types of applications must be for genuinely exceptional reasons.

In this regard we note that nowhere in the Application is any attempt made to show how this application addresses the underlying reason for the Policy as set out in 2.4.1.

The applicant has made no attempt to show that this application should be regarded as an exception to CIP1 and the application should therefore be refused.

CGCA View:

We believe that this licence variation, if granted in whole or in part, will harm the Licensing Objectives of the prevention both of public nuisance and crime and disorder. This will both be through the direct impact from the premises and its customers and also through the cumulative impact on the CIA, both in Westminster and that in of Camden which is close to the premises.

To take our concerns in turn.

People arriving and leaving the premises

Extending the hours of operation of the premises will mean that people will be arriving at and leaving the premises significantly later than they do at present. People living in the vicinity are already disturbed at night by people leaving licensed premises which are closing after 00:00. People who are moving to and from venues which, like this one, combine alcohol and music are often unaware of how much noise they make on the street through what they think is normal conversation. Some of course are also too inebriated to care very much about the impact that they have. This problem will be made much worse by the later hours proposed here.

Customers will use a variety of transport modes to get to and from the venue. Cars/taxis/PHV's/Rickshaws will deliver people to the venue and pick them up either on Langley Street or on Longacre. To do this they will increase traffic on streets that are usually quiet after the end of Core Hours. People travelling on foot from and to tube stations will similarly pass a numbers of residential properties no matter from which direction they approach the premises.

We have attached a map (Attachment 1) which shows the amount of residential accommodation in the vicinity of the venue. All routes to and from the venue pass close by residents who are likely to be trying to sleep. There is only one venue on this map (Dirty Martini at the SE corner of the map) which operates

Management of the immediate area

One of the recurring problems local residents have had with Foundation has been the management of people smoking outside the premises. Given the large size of the premises at basement level there will always be groups of people outside smoking. These people make significant noise and the security staff who are managing them do not take action to control this. For the last 2 years the area to the West of Langley Street has been a construction site and construction hoardings have prevented this noise from spreading. Now the construction has ended there is a clear route from outside the premises to Mercer Street and noise generated in Langley Street is audible at a greater distance. In addition the area outside the premises is now overlooked by new residential buildings. People resident in these buildings will find, if the variation is granted, that the area outside is now noisy until 03:30 rather than 01:30.

The smoking area for Foundation is marked by barriers which restrict customers to a small area. Since the building work has been completed there has been an open paved area on the West of Langley Street. This is now used by groups of people from both Foundation and Café Pacifico which is next door. They are spread over the area and little attempt seems to be made to manage their location or the level of noise that they make. This increases the level of nuisance being caused. Even when the area is used patrons moving between Foundation and the smoking area still make noise sufficient to be audible from some distance away.

Impact on the wider area

As mentioned above there are no other premises in the vicinity which are open to the time proposed for Foundation. The closest venues with a similar closing time are Bunga-Bunga (formerly the Drury Club) and Tropicana on Drury Lane and Parker Street respectively. Customers of both these premises have a negative impact on residents over a wide area as they make their way to and from the venue for the reasons stated above. These venues are working with the CGCA and local residents to take steps to try and reduce this impact, including having their own security staff dedicated to patrolling the surrounding streets. Even so they have confirmed that they can only reduce the nuisance, not prevent it.

Mitigation Measures

The applicant has not proposed any measures to mitigate the impact of the later hours. They have simply made the statement that "The application has been discussed with PC Michael Day who has confirmed to Jenna Edwards, Operations Manager for A3D2 Limited, that there are no issues with these premises."

It may be that the Police are not aware of any issues with the premises related to crime and disorder, but this is very different from reaching the conclusion that the Licensing Objectives are being upheld until 01:30 and so continuing to do the same until 03:30 will be fine. By not offering any mitigation steps the applicant presumably either believes this to be the case or, perhaps, realises that there are in fact no measures that can be taken which will allow any extension of hours without harm to the Licensing Objectives.

Our view is that the latter is the case. The premises cannot operate later than they currently do without causing the types of issue outlined above. There are no steps which can be taken which will be effective to prevent harm. There are, perhaps, some steps to reduce the level of harm which might be caused these would not, in our opinion, be sufficient to rebut the presumption to refuse.

Dispersal Policy

We have received from Foundation a copy of a proposed dispersal policy (which has not been mentioned in the application). It is clear from this Policy that they recognise that there are risks associated with later opening and that they intend to mitigate these by encouraging people to disperse along Longacre. Even if this was successful 100% of the time (which is very unlikely) people living on or close to Longacre and Langley Street will still suffer from additional noise nuisance to that which they currently experience. We are particularly concerned about the impact on residents in Odhams Walk, a large social housing block close to Covent Garden underground station.

We are also concerned that the dispersal policy is not sufficiently precise, with some of the steps described as being put in place "if necessary" but not stating who makes this decision and how it is made.

The CGCA's view is that **all** premises in the CIA, and especially those which operate after Framework Hours, should have a dispersal Policy in place which is designed to mitigate the impact of the process of dispersal on the Licensing Objectives and the main steps included in the Policy need to be included on the face of the Licence so that the Licence Holder is required to follow them. We do not believe that the draft Policy is sufficient to accomplish this.

Possible Additional Conditions

If, despite this and probably other Representations against this application, the Licensing Sub-Committee was to consider granting some extension of hours then we would ask that they impose conditions on the face of the licence in at least the following areas. As we think this unlikely we have not made detailed proposals but could do so if required to do this at a hearing.

1. Door supervision conditions specifying a customer/door supervisor ratio and a requirement that there are 2 members of staff at the door at all times.
2. A specified, marked area for smokers with a numbers limit and an obligation to minimise noise from this area. The area must be out of the line of sight of the new residential accommodation and there must be provision to minimise noise from people moving between the premises and the marked area.
3. A dispersal policy which includes the requirement to encourage customers to disperse along Longacre towards Leicester Square and Charing Cross Road with

sufficient staff on both Langley Street and along Longacre to ensure that this happens as quietly as possible.

4. A requirement that customers waiting for PHV's (including those they have booked themselves via apps such as Uber) wait inside the premises and not on Langley Street or Longacre.
5. Restrictions on the timing of deliveries to and collections from the premises.
6. A requirement that staff will patrol the area around the premises to discourage anti-social behaviour from the end of core hours until 30 minutes after the permitted closing time of the premises. The number of staff used needs to be sufficient to be able to do this.
7. A requirement that all SIA staff outside the premises are equipped with body worn cameras as this appears to reduce the likelihood of noisy or violent confrontation with customers.
8. A last entry condition at the end of Core Hours to prevent people moving from a premises closing at 23:30 or 00:00 to Foundation, as these people are likely already to be behaving in a way likely to cause a nuisance.

Please note that our position is that the Application should be refused outright. These areas for additional conditions are offered in the (very) unlikely event that the Applicant is able to overcome the clear presumption contained within CIP1.

Attachment 1

Residential Property in Vicinity of Foundation



- Foundation (extent at Basement Level)
- Residential properties



Name:	Mrs Elizabeth Jack
Address and/or Residents Association:	2 15a Shorts Gardens London WC1
Received:	10 th February 2017

The increase in hours will be a great nuisance to those living in the surrounding streets as people leaving the club will be going to various tube stations for all night tubes and will inevitably cause noise in the early hours of the morning when most people want to sleep.

I object to this application very strongly as people have a right to peace and quiet.

Name:	Sarah Herriot
Address and/or Residents Association:	16 Earlham Street WC2H 9LN
Received:	16 th February 2017

This is to give you my objections to the application for a 3am license for Foundation in Langley Street. This is for the following reasons:

1. We have precedence of how harmful this has been to the residential are with Little Dury on Dury Lane (now closed) and Guanabara (now under a new name) on Parker Street. Both these premises have made life hell for friends who live on Macklin Street and Parker Street. People who go outside to smoke, and are drunk are very noisy, and when the club closes it takes a long time for people to disperse. This would create the same issues for people who live nearby Foundation.
2. We have a massive drug dealing problem in Earlham St/ Tower St/ West St. By allowing a late night establishment this will only encourage the deals/users to stay around, and would start to include Shelton Street Langley Street in the problems (if not happening already?)
3. All this creates noise issues through the night, which disturbs large numbers of residents, many with young children

Name:	Mrs Kathy Pimlott
Address and/or Residents Association:	6 Cambridge Court 4 Earlham Street London WC2H 9RZ
Received:	10 th February 2017

I am objecting to the application as a local resident. I believe that the extension of hours requested will have a negative effect on my household which is on one of the travel routes from Langley Street to night buses and tubes. I am objecting on the grounds of the prevention of public nuisance.

The application falls outside Westminster's Core Hours. It is my firm belief that such an extension will mean that people arriving and leaving this large venue will disturb residents living in the immediate area and along the travel routes to and from the venue which are almost all residential above commercial and are currently quieter after Core Hours. I note that even now, the immediate area outside the club is not adequately managed in terms of noise to neighbours so there is no confidence that it will be in future.

I urge the council to reject the application and to protect the small amount of time that local residents can enjoy some quiet.

Name:	Mrs Margaret Crowe
Address and/or Residents Association:	A3 Odhams walk Covent garden London Wc2h9sa
Received:	10 th February 2017

The application should be refused under Policy CIP1 as it is beyond Core Hours (which are 23:30 on a Thursday and 00:00 on Friday / Saturday nights).

There are no factors to justify making a policy exception.

Our residents already suffer from the constant noise in the early hours from licensed premises in the area. We are plagued by drunken idiots coming out of local venues such as this. Our children are constantly woken up after 11.30pm when drunks wander around the streets screaming and singing and generally making a nuisance of themselves. Their schooling is suffering as they are too tired after being woken up.

This will set a precedent for other clubs, pubs and bars to open late and we strongly object. Its impossible to interact with the noise team as by the time you report it, the people have moved on so night after night we have these disturbances. We don't get peace during the day and now these people want to disturb us further at night too.

Don't forget that we have also been fighting the late night deliveries too and to add to this further pressure is intolerable. Its about time that people in authority served us and not keep bowing down to these groups who run these clubs. I would like you to come and stay here on a weekend and see how much sleep you get! It impacts on your health. This should be refused.

Name:	Mr Rick Fisher
Address and/or Residents Association:	Flat 3 19 Mercer Street. London WC2H 9QR
Received:	11 th February 2017

This application must be refused on the grounds of public nuisance. This is a radical extension of opening hours for the premises and threatens the peace of our neighbourhood with the increase in very late night activity, noise and nuisance in proposed opening hours and the noise associated with the patrons leaving the area after the premises "chuck out".

While there have been isolated instances of noise from these premises in the past, if the extension were to be allowed our neighbourhood which is the quiet part of Covent Garden and more residential in nature than most people realise would be very adversely affected with risk of more nuisance, and public disorder.

Name:	Mrs Jasmine Stephenson
Address and/or Residents Association:	116 Long Acre, Flat 2 London WC2E 9PA
Received:	7 th February 2017

This will increase the issues we already experience with loud and intoxicated patrons leaving

the premises.

The Foundation has been helpful in the past with noise (trying their best) but we still hear the patrons leaving during the current closing time so this will be detrimental to have these disturbances at 3AM.

It seemed it was worked quite well for the Foundation to offer their patrons access to their other club by Holborn which stays open later. Please feel free to contact me if you would like further information but I as a resident here for 7 years, I strongly object to this extension of hours.

Name:	Mr Robert McCracken
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Address and/or Residents Association:	Flat 19 Seven Dials Court London WC2H 9AT
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Received:	20 th February 2017
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I object for the same reasons as have been advanced by David Kaner and Covent Garden Community Association.

The area is too pressured and the police can't cope.

Name:	Dr Robin Biellik
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Address and/or Residents Association:	Flat 5, Meridian Place 3 Upper St Martins Lane London WC2H9NY
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Received:	17 th February 2017
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I do NOT believe that the extension of licenses beyond midnight for commercial premises, especially those located in areas in very close proximity to residential properties, and especially those where alcohol is served and loud music is played, can be justified.

Residents, most of whom work daytime, need protection from noise and the consequences of late-night partying. Extending the licenses of such commercial premises beyond midnight can ONLY be justified where the premises are located in exclusively commercial streets.

I strongly oppose this application.

Name:	Mr Glenn Anderson
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Address and/or Residents Association:	Flat 12 Wilfred House 118 Long Acre London WC2E 9PA
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Received:	15 th February 2017
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I live opposite foundation Bar's Front door. When security are working they control who goes in but not who comes out to smoke as when one comes out 2-3 friends follow and carry on the party outside.

Constant screaming & Shouting, by the girls with a competition to see who shouts the loudest. When the Men join in it is often far too load to sleep.

Only smokers should be outside & Security should tell them to be respectful to the Residents when they are noisy.

When The bar closes at 1.0am customers hang around at the front door, waiting for friends, often just waiting around, not wanting to go home. They carry on Talking loud & Shouting to each other.....Security to usher them home asking them to be respectful of the Neighbours. Too Often we find that the noise continues until gone 2.0am. Plus the Taxi's arrive at the front door, sounding their horns to make themselves heard, or to clear their way.

Extending the license would leave us with no peace and quiet to sleep, esp in the summer when we all like to have our windows open.

Even though Foundation Bar doesn't open its doors until 4.0pm, Most recently again staff have been arriving at 6.40am. They Have NO Door bell, so Staff bang loudly on the door and shout through the letter box as they try and make themselves heard from street level all the way down into the basements. In the last 2 weeks I have been woken at 6.40am 4 times.

I have spoken with Foundation Bar's manager Several times in the past, as well as going out to speak to them in Person, Late at night to have the noise dealt with, but night after night is stays the same.

Extending their license by another 2 hours over the weekend would Severely impact on the Residents sleep.

Name:	Mrs Anja Saunders
Address and/or Residents Association:	14 Neal's Yard London WC2H9DP
Received:	14 th February 2017

I strongly object to the extension of the license to the Foundation club in Langley street till 3.30am on grounds of public nuisance and public safety.

Already 1.30am closure for a club in a residential area is very late and causes disturbance. The extension of hours will see people arriving and leaving through the whole night. Especially with the all night tube openings. The surrounding area is not managed so people will smoke and chat outside and will wander the small streets of Covent Garden with plenty of alcohol and whatever else in their bodies, accounting for loud and inappropriate behaviour at night in a highly populated area where people like to have a normal night's sleep.

I am seriously worried that this could set a further precedent for the area becoming a playground for outsiders where those of us that have lived in the area for many decades see our lives deprived from basic human rights like safety and sleep. No steps are taken to eliminate the impact of such a late license on the wider environment.

Please consider Covent Garden as a living area and not just a commercial playground and refuse this application.

Name:	Mr Michael Leeson
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Address and/or Residents Association:	Flat 11, 4-10 Tower Street London WC2H9NP
Received:	18 th February 2017
<p>Covent Garden has a high residential population and with the recent opening of all night tube lines, which is relevant to all the stations in or near Covent Garden it is more important than ever that licensing hours are limited to core hours. The routes to the various stations are lined with a large amount of residential property and disturbance is almost inevitable at times when one might reasonably expect people to be trying to sleep.</p> <p>This venue has a very large capacity and extending it's hours further would set a very bad precedent for the area. The Camden half of Covent Garden has had bad experiences in the past with similar venues.</p> <p>Given that the Licensing Objectives include the prevention of disorder and the prevention of public nuisance it is difficult to see how the application can be allowed particularly given that core hours are already being exceeded at the end of the week.</p>	
Name:	Ms Deborah Loth
Address and/or Residents Association:	Flat 3, 13 Shelton Street London WC2H 9JN
Received:	12 th February 2017
<p>A late-night (or should I say early-morning?) drinking establishment is almost certain to contribute to noise and disturbance in its vicinity. My flat is on the third floor of a building on Shelton Street. In the early hours of the morning the racket from drunken people - shouting to each other, having screaming matches, singing, hollering because they are lost in the maze of streets - is amplified by the canyon of buildings. They sound just as though they are standing outside my windows. Because the streets are empty, they feel even more street to create a din.</p> <p>Please don't grant this license.</p>	
Name:	Mr Simon Oliver
Address and/or Residents Association:	25 Mercer Street London WC2H 9QR
Received:	13 th February 2017
<p>The worry for the resident at 25 Mercer Street is that any extension of hours will lead to more noise in and around the locality of the club. There will be more litter apart from the noise and likely to be more drug taking in the area.</p>	
Name:	Mr Giles Ellwood
Address and/or Residents Association:	6 Tower Court London WC2H 9NU
Received:	10 th February 2017

OBJECTION ON THE GROUNDS OF PUBLIC NUISANCE: I THINK A 3.30AM CLOSING TIME IS A REAL IMPOSITION ON RESIDENTS & MORE IN CHARACTER WITH SOHO THAN COVENT GARDEN. WE NEED OUR SLEEP!

Name: Mr James Lane

Address and/or Residents Association: Flat 1
Fielding Court, Seven Dials
London
WC2H 9LN

Received: 20th February 2017

This premises already causes problems with drunken and unruly individuals passing by the my property at close of business making lots of noise and waking sleeping residence. This coupled with urinating in the small street behind the rear of the building forms but a public nuisance, a health and safety hazard and disorderly behaviour. Extending his licence will only serve to make this situation worse and make the nuisance continue for longer.

Name: Mr Harry Darby

Address and/or Residents Association: Flat 1
27 Monmouth Street
London
WC2H 9DD

Received: 13th February 2017

I am particularly concerned about the effect the proposed late opening hours will have on residents in the surrounding area.

I live on Monmouth Street, and this is already a loud and busy thoroughfare after midnight, and the aforementioned application will extend disruption to local residents even further. 'Disruption' currently involves general noise and traffic, drunk and disorderly behaviour, along with all manner of other illegal activities such as drug-dealing and using.

Naturally we are keen to restrict these as they are intrinsically linked to late night social activities in the neighbourhood.

Name: Miss Rebekah MacLeary

Address and/or Residents Association: Flat 4
19 Mercer Street
Covent Garden
WC2H 9QR

Received: 11th February 2017

We already have a major problem with addicts, especially drug addicts using our doorway as an area to take and exchange drugs (as well as using it as a bathroom); I'm not accusing the Foundation of being directly involved but the prospect of clubbers leaving in the early hours would undoubtedly exacerbate the problem. Paraphernalia is left on and around our house and there is no doubt this causes health and safety issues. Less of an issue, but still a major concern would be the noise caused by clients leaving the venue in a residential area at that time of night.

Name: Mr Julian Date

Address and/or Residents Association:	Flat 3 3 Monmouth Street London WC2H 9DA
Received:	14 th February 2017
<p>I live on Monmouth Street and have done so for 17 years. I am very concerned at the proposed extension of opening hours at Foundation. While having evening entertainment venues open until midnight is perfectly acceptable and part and parcel of living in Covent Garden, having those venues staying open until 3.30am is wholly different. People inevitably make a lot of noise when going home after a good night out, and our narrow cobbled streets in this area amplify this noise.</p> <p>Monmouth Street is a main route back from Covent Garden to Tottenham Court Road tube (including the night tube) and the bus connections around it, and it is already a common occurrence for me to be woken up or not to be able to get to sleep because of revellers passing beneath my bedroom windows.</p> <p>I work full time and often have early morning starts, so this is a very real nuisance. I therefore object to the proposed extension of hours on the grounds of (a) preventing disorder, and (b) preventing public nuisance. Thank you.</p>	
Name:	Mrs Uma Baska
Address and/or Residents Association:	27 Mercer Street London Wc2h 9qr
Received:	20 th February 2017
<p>We are very unhappy to see this application. We have a family home on Mercer Street with a 2.5 year old little boy, and would love to see the area remain catered to our family life. Having such late opening hours on weekdays can disrupt the sleep of Logan and us should the patronage go past Mercer Street in the middle of the night which they have in the past. The street has become a lot busier since we bought our house some years ago, and we are looking to find ways to keep it quiet and this is moving in the wrong direction. We do not want the expansion of night hours.</p>	
Name:	David Kaner
Address and/or Residents Association:	21 Mercer Street London WC2H 9QR
Received:	19 th February 2017
<p>This representation is with regard to the application for Variation by Foundation on Langley Street. This is being made in my personal capacity. I have already made a submission on behalf of the CGCA which I of course support wholeheartedly.</p> <p>I believe that the grant of any later hours for Foundation will increased public nuisance and crime and disorder in the vicinity of the premises and as a result cause me and my family to lose sleep and in extreme cases to fear for our safety.</p> <p>We are, we believe, already disturbed on occasion by people leaving these premises when they close and also by noise from the poor management of people outside the premises. It is not possible to be certain that the disturbance is caused by people leaving Foundation but we are frequently disturbed in the early hours by people walking along Shelton Street from the East.</p>	

We suspect that these people will are sometimes those leaving Foundation, although other premises may be to blame. It is certainly the case that allowing the premises later hours will increase the likelihood of this happening.

In addition later operation will encourage people to arrive from other premises. A last entry condition would assist but unless it was set at a similar time to the effective last entry of the premises with the current closing time these will still be an increase in the number of people coming to the area. I believe that as the premises currently close around 01:00 the relevant last entry time would be 00:00.

I believe that Foundation will ask the Licensing Panel to take the view that the intention of the later closing time is to encourage people who are already at the premises to remain longer rather than to encourage more people to come to the premises. This will in their view, no doubt, make for a more gradual dispersal. However a gradual dispersal of up to 500 people, even if spread over 120 minutes is still capable of causing a lot of noise, especially as these people will have been drinking for even longer than if they had dispersed at 01:00. The area of the premises has little background noise and so even a few people talking or shouting can cause a nuisance to residents.

Late operation will also encourage noise from other sources in the area such as begging, rickshaws and noise from taxis and PHV's. All of these already exist but dissipate earlier as most premises have closed by 00:00. The noise of PHV's sounding their horns is a particular issue for residents and is in contravention of Section 99 of the Road Vehicles (Construction and Use) Regulations 1986, but seems to carry on regardless.

Now that the development (Mercer's Yard) on the West side on Langley Street is open any noise generated by people leaving the premises can be heard on Mercer Street as the space between is now clear and contains no noise deadening planting or surfaces. Therefore even the 20 people suggested by Foundation who are smoking outside the premises can cause noise and disturbance to me and other residents in the vicinity.

In order to ensure that the points made above are realistic I visited the area of the premises on the evening of Friday 17/2 at 23:50 and 00:50. On both occasions noise from patrons of the premises was audible from at least 50m away. On the second occasion people who appeared to have left the premises were being boisterous and noisy on Langley Street. When walking past the Longacre end of Langley Street I was asked if I was interested in girls or visiting a strip club. This illustrates the type of activity attracted by late night operation of premises in the area.

Both Camden and Westminster have designated the Seven Dials area as CIA's precisely because of the public nuisance and crime and disorder generated by the sheet number of licensed premises. Allowing a licence extension for Foundation will only add to this impact and will cause harm to the Licensing Objectives. I believe that this application should be refused outright in accordance with Westminster's Policy.

Name:	Willie Williams
Address and/or Residents Association:	64A Neal Street London WC2H 9PA
Received:	20 th February 2017

I write to lodge a formal objection to the application 17/00733/LIPV for extended licence hours at Foundation, 5 Langley St., WC2.

The Seven Dials area is home to a significant number of residents and the extending of these hours would inevitably lead to an increase in disorder, public nuisance and the disturbance of

neighbours. The primary business of Foundation is the sale of alcohol and, from many years of experience, we know that intoxication renders patrons significantly less aware of their own noise levels. People entering and leaving, plus smokers standing outside the building create an unacceptable disturbance to residents in their homes.

Patrons will leave Foundation to get night tubes & buses and all foot traffic routes will be close to residents. Getting to Shaftesbury Avenue and Tottenham Court Road takes them through the Seven Dials area. The streets here are narrow and high which serves to amplify street noise - again I speak from years of experience. Many children live in this area and it will be impossible to protect them from late night disturbance.

Drug dealing is an ongoing problem around Seven Dials. At a local residents' meeting with the police, they admitted that they are almost powerless to control this, not having the resources to make street order a priority. Adding the potential for hundreds more drunk people into the early hours of the morning will only make the area more attractive to drug dealers and further jeopardise night time public safety.

Consequently I would ask that the application be refused under policy CIP1 as it is beyond Core hours and there is no effective strategy to curb nuisance and potential danger that it would cause for a great distance around the venue.

Name:	Kate Rich
Address and/or Residents Association:	
Received:	20 th February 2017

I wish to object to the extending of the Licence application by Foundation in Langley Street.

I believe extending their licence will cause even more of a Public Nuisance, to residents. As it is, our streets are already used as a public urinal and rubbish bin, for every clubber/pub user that comes into Covent Garden... So I think extending their opening hours from 1;30 until 3:30am is detrimental to our wellbeing.

Name:	Ian Marshall
Address and/or Residents Association:	Flat 2 19 Mercer Street.
Received:	20 th February 2017

I would like to object to this both on the grounds of the risk of both increased public nuisance and disorder.

I understand the extended hours are beyond your existing policy. If we start a trend moving to hours this late there will be an increase in noise people being sick and general disorder. It undermines any attempt to make this area a community neighbourhood.

Name:	Ching Court Ass.
Address and/or Residents Association:	
Received:	20 th February 2017

As the residents' association representing more than 20 dwellings not far from these premises, four of which belong to families with children, we ask you to refuse this application.

These premises already cause a nuisance at night. Foundation bar is the only place operating after 12.30am in the area since Crazy Bear closed some years ago, and those of their customers leaving to head North or West cannot fail to make a noise as they walk in groups down Shelton Street and Mercer Street currently as late as 1.30am. They are also a target for drug addicts who beg from them; drug dealing and fighting between groups of addicts then takes place nearby, notably in the recessed gateway underneath a number of our flats.

Our streets are narrow - with high, old brewery buildings which echo to every sound. The area has no ambient noise at night, and very little traffic, so any sound acts as a peak which wakes residents up. The customers leaving this venue have been drinking alcohol, so they speak loudly even if they are otherwise behaving well (which is itself not always the case).

There has also been noise for years from minicabs and rickshaws waiting for customers, getting customers settled, and driving off.

The noise and other problems have been exacerbated in the last month for two reasons:

- Mercers Way has been built, opening up the block between Langley Street and Mercer Street with a wide space. Sound from Foundation's smokers outside on Langley Street, and from people leaving the venue in any direction, actually echoes all the way back into Mercer Street now.

- The Night Tube has started operating at the weekend. Before this, a venue like this had most of its customers leave by 12.15am in order to catch the last train, but more of them are now staying later. Many then walk North to catch the central line at Tottenham Court Road, or West to catch the Northern line at Leicester Square. In doing so they go past our homes. In some cases they cause disturbance amounting to public nuisance, and in some cases they interact with the drug addicts who are causing so many serious issues for residents now.

At least residents can get to sleep by 1.30am at present. However, the idea of this lasting until after 3am would quite literally be nightmare. The venue is huge, with several hundred people potentially walking down our streets in the early hours of the morning to get home, making at least as much noise as they currently do but much later.

Our community is already under a lot of pressure, as you know, with families finding it difficult to remain. We appeal to you to refuse this application.

We would also like to ask that more conditions be added to the existing licence, or for the licence to be pulled back to an earlier time, in view of the changes that have happened in the last month and outlined above which have added to the venue's impact on its neighbours such as ourselves.

3. Policy & Guidance

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

Policy CIA1 applies:

- (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact 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 Cumulative Impact Areas will be subject to other policies, and must demonstrate

	that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy MD2 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.

4. Appendices

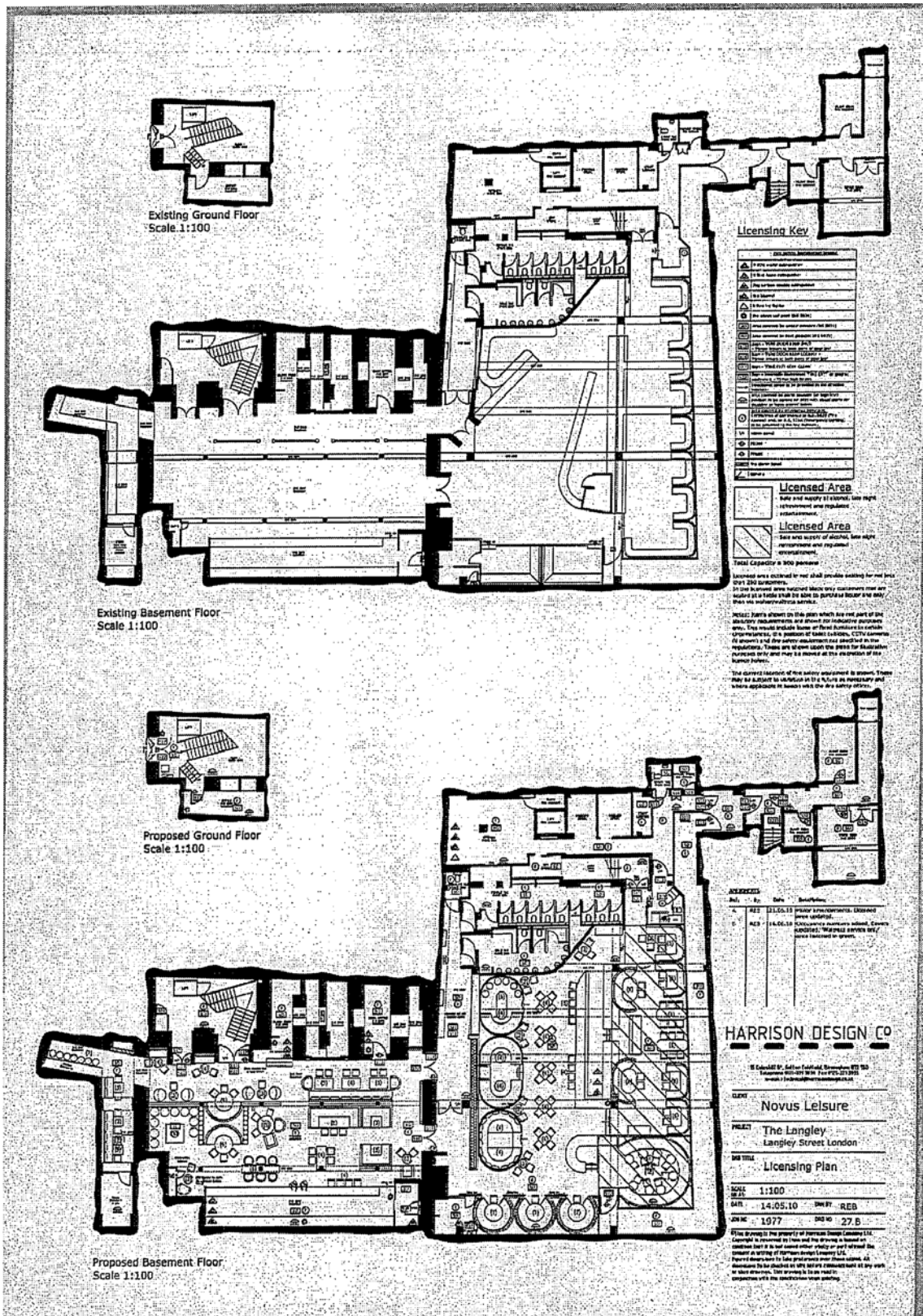
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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	23 rd January 2017
5	Representation – MET Police Service	1 st February 2017
6	Representation – Environmental Health Team	16 th February 2017
7	Representation – Kenton Price	9 th February 2017
8	Representation – Jane Playdell-Bou	19 th February 2017
9	Representation – David Kaner	28 th January 2017
10	Representation – Elizabeth Jack	10 th February 2017
11	Representation – Sarah Harriot	16 th February 2017
12	Representation – CGCA	28 th January 2017
13	Representation – Kathy Pimlott	10 th February 2017
14	Representation – Margaret Crowe	10 th February 2017
15	Representation – Rick Fisher	11 th February 2017
16	Representation – Jasmine Stephenson	7 th February 2017
17	Representation – Robert McCracken	20 th February 2017
18	Representation – Robin Biellik	17 th February 2017
19	Representation – Glenn Anderson	15 th February 2017
20	Representation – Anja Saunders	14 th February 2017
21	Representation – Michael Leeson	18 th February 2017
22	Representation – Deborah Loth	12 th February 2017
23	Representation – Simon Oliver	13 th February 2017
24	Representation – Giles Ellwood	10 th February 2017
25	Representation – James Lane	20 th February 2017
26	Representation – Harry Darby	13 th February 2017
27	Representation – Rebekah Macleary	11 th February 2017
28	Representation – Julian Date	14 th February 2017
29	Representation – Uma Baska	20 th February 2017
30	Representation – Willie Williams	20 th February 2017
31	Representation – Kate Rich	20 th February 2017
32	Representation – Ian Marshall	20 th February 2017
33	Representation – Ching Court Association	20 th February 2017



Applicant Supporting Documents

None Submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/02190/LIPCV	New Premises Application	12.05.2005	Granted by Licensing Sub-Committee
06/03442/LIPDPS	Application to Vary the Designated Premises Supervisor	06.05.2006	Granted Under Delegated Authority
07/02389/LIPDPS	Application to Vary the Designated Premises Supervisor	31.05.2007	Granted Under Delegated Authority
07/04356/LIPDPS	Application to Vary the Designated Premises Supervisor	14.06.2007	Granted Under Delegated Authority
07/05342/LIPDPS	Application to Vary the Designated Premises Supervisor	20.07.2007	Granted Under Delegated Authority
07/08403/LIPDPS	Application to Vary the Designated Premises Supervisor	08.10.2007	Granted Under Delegated Authority
07/12139/LIPDPS	Application to Vary the Designated Premises Supervisor	12.02.2008	Granted Under Delegated Authority
06/12479/WCCMAP	New Premises Application	18.05.2012	Granted Under Delegated Authority
09/03980/LIPDPS	Application to Vary the Designated Premises Supervisor	10.08.2009	Granted Under Delegated Authority
10/02093/LIPCH	Application to change the details on a premises licence	14.05.2010	Granted Under Delegated Authority
10/03728/LIPV	Variation Application	29.07.2010	Granted by Licensing Sub-Committee
11/00775/LIPDPS	Application to Vary the Designated Premises Supervisor	23.01.2011	Granted Under Delegated Authority

11/01521/LIPRW	Removal of Works Application	23.02.2011	Granted Under Delegated Authority
12/01202/LIPDPS	Application to Vary the Designated Premises Supervisor	13.03.2012	Granted Under Delegated Authority
12/05865/LIPDPS	Application to Vary the Designated Premises Supervisor	05.08.2012	Granted Under Delegated Authority
12/06337/LIPDPS	Application to Vary the Designated Premises Supervisor	05.08.2012	Granted Under Delegated Authority
15/00107/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
15/02030/LITENP	Temporary Event Notice	02.04.2015	Notice Granted
15/02625/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
15/03430/LITENP	Temporary Event Notice	09.07.2015	Notice Granted
15/06723/LITENP	Temporary Event Notice	09.09.2015	Notice Granted
15/09718/LITENP	Temporary Event Notice	04.11.2015	Notice Granted
15/10461/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
15/10471/LITENP	Temporary Event Notice	20.11.2015	Notice Granted
15/10859/LITENP	Temporary Event Notice	26.11.2015	Notice Granted
15/10862/LITENP	Temporary Event Notice	26.11.2015	Notice Granted
15/10867/LITENP	Temporary Event Notice	26.11.2015	Notice Granted

16/00512/LITENP	Temporary Event Notice	04.02.2016	Application Withdrawn
16/00561/LITENP	Temporary Event Notice	10.02.2016	Notice Granted
16/02491/LITENP	Temporary Event Notice	29.03.2016	Notice Granted
16/03759/LITENP	Temporary Event Notice	20.04.2016	Notice Granted
16/04688/LITENP	Temporary Event Notice	18.05.2016	Notice Granted
16/04689/LITENP	Temporary Event Notice	18.05.2016	Notice Granted
16/05233/LITENP	Temporary Event Notice	31.05.2016	Notice Granted
16/06022/LITENP	Temporary Event Notice	27.06.2016	Notice Granted
16/07965/LITENP	Temporary Event Notice	12.08.2016	Notice Granted
16/12137/LITENP	Temporary Event Notice	18.11.2016	Notice Granted
16/12140/LITENP	Temporary Event Notice	18.11.2016	Notice Granted
16/12141/LITENP	Temporary Event Notice	24.11.2016	Application Withdrawn
16/12142/LITENP	Temporary Event Notice	01.12.2016	Application Withdrawn
16/13037/LITENP	Temporary Event Notice	20.12.2016	Notice Granted
16/13291/LITENP	Temporary Event Notice	20.12.2016	Notice Granted

16/14169/LITENP	Temporary Event Notice	05.01.2017	Notice Granted
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There is no appeal history

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

When determining an application to vary 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.

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

Conditions reproducing the effect of conditions subject to which the existing licences have effect :

Conditions for Regulated Entertainment:

For the Basement Only:

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Sunday to Saturday to 1am on the day following.
13. The entertainment provided under this licence shall remain ancillary to the main A3 use of the premises.
14. Whilst the premises are in use under this licence the entertainment shall be limited to background music, disc jockey and dancing.
15. That the door and windows are not to be fixed open after 11pm.
16. Legible notices to be displayed at all exits from the premises requesting patrons to respect the need of local residents and to leave the premises and area quietly. Similar reminders shall be given by door supervisors to patrons exiting the premises.
17. The Licensee shall use his best endeavours to ensure that customers do not congregate or cause nuisance on the public highway in the vicinity of the premises.
18. A hotline telephone number to the licensee shall be available to local residents.
19. The licensee shall use his best endeavours to discourage unlicensed minicabs and rickshaws from waiting outside or servicing the premises.
20. Any queues which form outside the premises should be orderly and supervised by the door staff to ensure there is no noise nuisance and that there is no obstruction to other pedestrians requiring them to walk in the road.
21. The number of persons accommodated (excluding staff) at any one time shall not exceed 500.

Conditions for Sale of Alcohol

22. 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.

23. (a) In area shaded red on the deposited plan there shall be seating for not less than 260 customers (b) In the area hatched black on the deposited plan only customers that are seated at a table shall be able to purchase liquor and only then via waiter/ waitress service
24. On any evening where the premises or part of the premises are open for the purpose of music and dancing, intoxicating liquor may not be sold or supplied after 11pm, to persons entering that part of the premises except: a) Persons who have paid or had paid on their behalf an admission fee of £3.00 Mon. to Thurs. £5.00 Friday to Saturday such charge not to be credited against consumables. b) Artistes or persons employed on the premises. c) Persons attending a private function on the premises. d) Guests of the management, a list of whom shall be available for inspection by the appropriate authority. e) Persons attending by prior booking (with individual details kept at reception) in the restaurant area and their bona fide guests. f) Members of the Langley and their bona fide guests, such details to have been nominated and admitted as a member of the club at least 48 hours before admission to the premises.
25. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
26. No striptease, no nudity and all persons on the premises to be decently attired.
27. There shall be no gaming on the premises, other than machines authorised under Section 34.
28. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
29. No music or other noise produced on these premises should cause a statutory nuisance in any adjoining premises whether they be in residential or commercial use, or on any public highway.
30. Additional hours to include Sundays until 00.30, except where Sunday is immediately prior to Bank Holiday, excluding Easter, when hours extended until 01.00.

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

Conditions for Sale of Alcohol

31. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 01.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 01.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 02.00 for references to 01.00.
- (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning following, except that-

- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
- (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 01.00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 01.00, the permitted hours on that Sunday shall end when the music and dancing end.
- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

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) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.

32. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
33. 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.

34. 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

35. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon payment, showing details of all drinks and food purchased

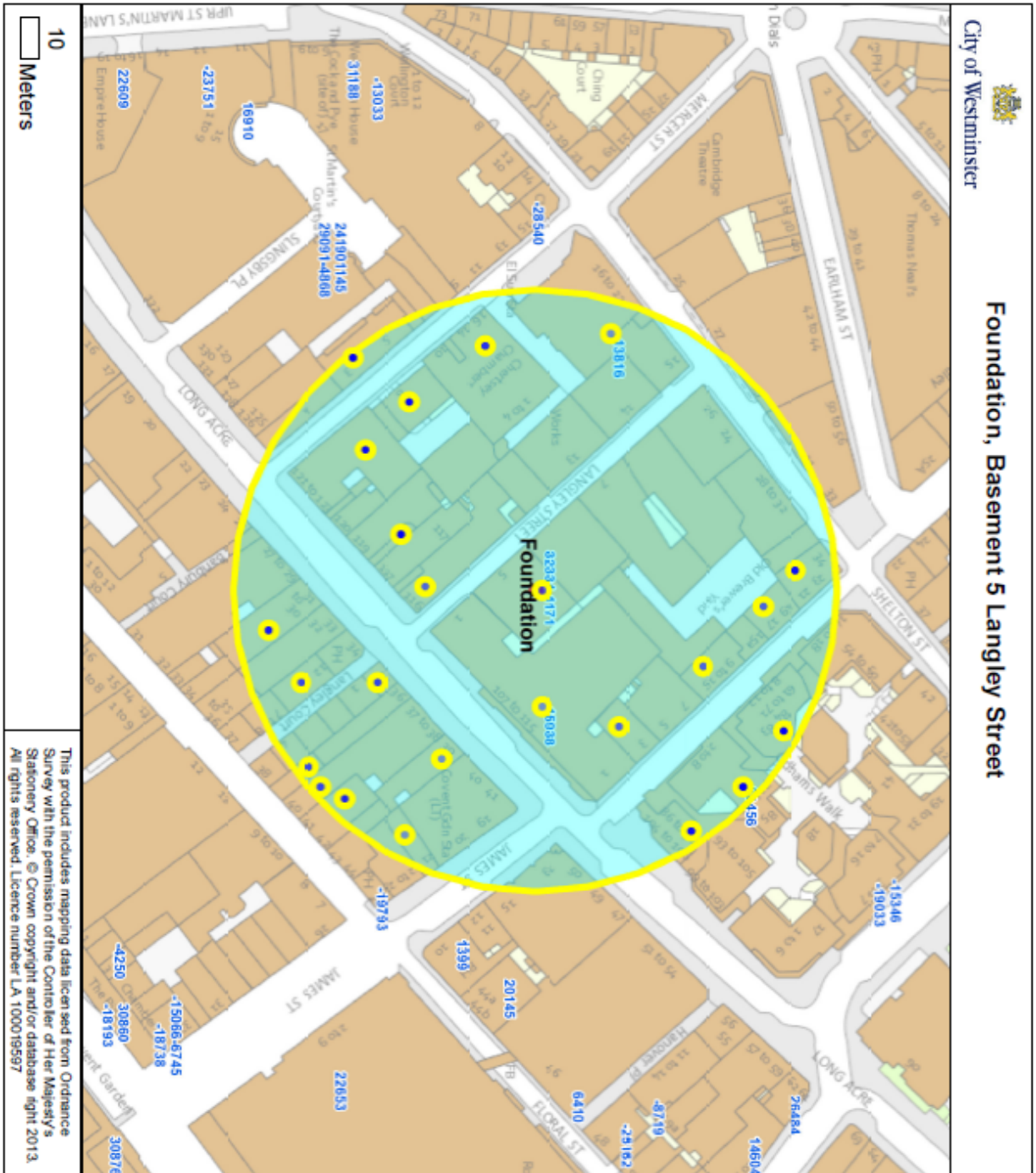
Conditions proposed by the Police

36. 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.

37. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
38. Challenge 25 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.
39. 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.
40. No drinks to be taken outside of the premises.
41. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
42. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.
43. A minimum of two SIA staff shall be deployed with Body Worn Video, capable of recording audio and video in any light condition. 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.
44. No entry/re-entry (excluding persons exiting to smoke) to the premises after 01:00.

Appendix 5
Residential Map and List of Premises in the Vicinity



Residential / Proposed Residential	126
Under Construction	None
Other Uses	None
Proportion Residential of all Uses	None
Data Source: Uniform Database	
Date: 22/02/2017	

Premises within 75 metres of: Foundation Basement 5 Langley Street

p / n	Name of Premises	Premises Address	Licensed Hours
-13816	Hawksmoor	11 Langley Street London WC2 9JG	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30
-1171	Cafe Pacifico	Ground Floor 5 Langley Street London WC2H 9JA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15938	Marks & Spencer Plc	107 - 115 Long Acre London WC2E 9LH	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
30456	Itsu	2-4 Neal Street London WC2H 9LY	Monday to Sunday 07:00 - 21:30