

# Licensing Sub-Committee Report

Item No:	
Date:	23 <sup>rd</sup> March 2017
Licensing Ref No:	16/14133/LIPN - New Premises Licence
Title of Report:	Basement And Ground Floor 26 Wellington Street London WC2E 7DD
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			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	22 December 2016		
<b>Applicant:</b>	Shaftesbury Covent Garden Limited		
<b>Premises:</b>			
<b>Premises address:</b>	Basement And Ground Floor 26 Wellington Street London WC2E 7DD	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises will be operating as a café/restaurant providing the sale of alcohol and late night refreshment within core hours; with an additional half hour for the opening times.		
<b>Premises licence history:</b>	This premises has not previously benefitted from a premises licence under the Licensing Act 2003 however the applicant has applied for a number of temporary event notices; details of which are attached at Appendix 3.		
<b>Applicant submissions:</b>	None Submitted.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
<b>Adult Entertainment:</b>	Not applicable.						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental health Consultation Team
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	13 <sup>th</sup> January 2017
<p>I refer to the application for a new Premises Licence.</p> <p>This representation is based on the operating schedule and accompanying plans of basement &amp; Ground Floor by Blair Associates Architecture Ltd dated 28/10/2016</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> <li>Provision of late night refreshment "Indoors" at the following times:  Monday to Thursday: 23:00 – 23:30  Friday &amp; Saturday: 23:00 - 00:00  Sundays before bank holidays: 23:00 – 00:00  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> <li>Supply of Alcohol for consumption "On" the premises at the following times:  Monday to Thursday: 10:00 – 23:30  Friday &amp; Saturday: 10:00 - 00:00  Sunday: 12:00 – 22:30  Sundays before bank holidays: 10:00 – 00:00  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> </ol> <p>I wish to make the following representation</p> <p>The provision and hours requested for recorded music will have the likely effect of causing an increase in Public Nuisance within the area</p>	

The provision of late night refreshment (LNR) and the hours requested will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

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

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health. Environmental Health have proposed additional conditions which are yet to be agreed by the applicant. Please refer to Appendix 4.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	17 <sup>th</sup> January 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

I have noted your list of proposed conditions and will take them into consideration when dealing with your application.

<b>2-B Other Persons</b>	
<b>Name:</b>	Mrs Sneha Varia
<b>Address and/or Residents Association:</b>	Flat 4 30 Tavistock Street London WC2E
<b>Received:</b>	10 <sup>th</sup> January 2017

The fact that customers will be able to buy alcohol on the premises, consume it at the outside tables and be able to stand around the tables to drink will almost certainly increase noise levels whilst encouraging anti-social behaviour in a residential area of Covent Garden. People may gather outside the residential property during the day and evening, causing significant disturbance to residents, in particular privacy issues for those on the ground floor.

<b>Name:</b>	Mrs Lola Freeman - Director of Florin House Management Ltd
<b>Address and/or Residents Association:</b>	Florin House 30 Tavistock Street London WC2E 7PB
<b>Received:</b>	9 <sup>th</sup> January 2017

I write in my capacity as a Director of Florin House Management Ltd which represents owners of the residential upper floors of 30 Tavistock St WC2E 7PB and 24a and 20a Wellington St WC2E 7DD.

We note the Licensing application 16/14133/LIPN which relates to Provision of late night refreshments and Supply of Alcohol.

This is a change from existing A1/A3 cafe licence.

We are concerned at this change of use because it seems to indicate alcohol will also be allowed at the pavement seating during extended hours.

The flats in 30 Tavistock St entrance all have bedrooms on the front facade of Wellington Street.

We are worried about a loss of amenity on the assumption noise levels are likely to increase if customers are allowed to congregate and drink during extended hours in the outside seating area.

The extended licence will also mean we are likely to see late customers congregating outside the front door at no 30 Tavistock and likely at no 24a as well.

It is often the case that we have to ask people to stand aside when entering the front doors of our property and if they have been drinking that could be more problematic for us.

I therefore ask you to consider the likely loss of domestic amenity aspects of this application on behalf of the resident in the flats above known as Florin House.

***Further comments:***

I ask that in the event that this licence is granted that the sale of alcohol ends at 22.30 and the premises close at 23.00 in line with the planning permission 16/06316/FULL. I then ask for a specific condition in residents' interest not to allow outside tables to be used or serving of alcohol after 21.00 and also ask for an earlier terminal hour so that the premises actually close at the end of core hours rather than 30 minutes later.

<b>Name:</b>	Mr Richard Dickens
<b>Address and/or Residents Association:</b>	Flat 4 20A Wellington Street

<b>Received:</b>	12 <sup>th</sup> January 2017
<p>With regard to the application 16/14133/LIPN at the Charles Dickens I, as owner of Flat 4 at 20a Wellington Street I am writing to voice my concern over the Late night allowance of serving of alcohol to tables outside on the pavement and which would inevitably lead to increased noise late at night to those living in the street of which there are many. I would be grateful therefore if you see fit not to grant license to serve alcohol outside after usual pub hours.</p>	
<b>Name:</b>	Mr Barry Daly
<b>Address and/or Residents Association:</b>	1 Florin House c/o Pastor Real Estate, 48 Curzon Street London W1J 7UL
<b>Received:</b>	11 <sup>th</sup> January 2017
<p>I write on behalf of the property owner of flat 1 Florin House, 24a Wellington Street, London WC2E 7DD in respect of this licence application. We write to object to the proposed application as flat 1, 24a Wellington Street is located directly above the premises where the proposed licence would be granted. We believe that granting of this licence would result in increased noise and customers congregating directly outside the building which would negatively impact on the residential premises directly above. A granting of the licence would also result in increased alcohol consumption outdoors and we feel that this would without doubt result in a nuisance to the residential tenants above. We kindly request you consider this objection to the application and not grant consent for the proposed licence.</p>	
<b>Name:</b>	Mrs Wendy Dalal
<b>Address and/or Residents Association:</b>	Flat 2 24A Wellington Street London WC2E 7DD
<b>Received:</b>	13 <sup>th</sup> January 2017
<p>The change in license for this development to enable later drinking will further add to the increasing night time noise issues in this area. Despite your regulations there will be people drinking outside of the premises as they currently do with others in the area. This will be a particular issue for residents at the other entrance to my block in Tavistock Street, whose door is directly adjacent to the planned restaurant. There does seem to be a direction of travel towards extending the Piazza style across into Wellington / Tavistock Street which will be lovely for the visitors but not for those that live there and need to sleep at night.</p>	
<b>Name:</b>	Dr Anthony Freeman
<b>Address and/or Residents Association:</b>	Flat 2 30 Tavistock St London WC2E 7PB
<b>Received:</b>	9 <sup>th</sup> January 2017
<p>I am in receipt of Licensing application 16/14133/LIPN which relates to Provision of late</p>	

night refreshments and Supply of Alcohol.

This is a change from existing A1/A3 cafe licence.

I am concerned because in Part 3 of the application Page 14 the BOTH box is marked seemingly showing alcohol will also be allowed at the pavement seating during extended hours.

Our flat is located above the premises and our bedroom faces onto Wellington St directly above the premises. We are worried about a loss of amenity on the assumption noise levels are likely to increase if customers are allowed to congregate and drink during extended hours in the outside seating area.

The extended licence will also mean we are likely to see late customers congregating outside our front door at no 30 Tavistock as the cafe tables are also located on Tavistock St. It is often the case that we have to ask people to stand aside when entering our property and if they have been drinking that could be more problematic for us.

I therefore ask you to consider the likely loss of domestic amenity aspects of this application as a resident in the the flats above known as Florin House.

<b>Name:</b>	Covent Garden Community Association
<b>Address and/or Residents Association:</b>	
<b>Received:</b>	15 <sup>th</sup> January 2017

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 grant of a premises licence for 26 Wellington Street. The landlord for these premises is seeking a licence for the premises to operate as a restaurant. There have previously been 2 premises on the site both operating as cafes. The premises are situated on the ground floor of a residential building and we are concerned about the impact of the grant of a licence on Public Nuisance The conditions offered are NOT the full MC66 conditions. This is, presumably, because the planning permission was granted in August 2016 was for an A1/A3 café use and specifically excluded primary cooking. This, along with waiter/waitress service

and non-disposable crockery etc are required to comply with M66 and so benefit from the CIA exemption for a restaurant.

As a result the premises could be much more intensively used than would be the case for a formal restaurant and so we believe that the premises should NOT receive the benefit of the exemption. We believe that to prevent an impact on public nuisance the grant of a licence should be restricted to the hours on the planning permission. The premises should therefore close at 23:00 on all days of the week with the sale of alcohol terminating 30 minutes earlier than this at 22:30.

In addition to prevent any nuisance being caused by customers seated outside we believe that it would be appropriate to impose a condition that tables and chairs outside should not be used after 21:00.

We note that that applicant has offered a condition regarding the hours of waste collections, restricting them to the period 08:00-23:00. We would ask that this is narrowed to 08:00-20:00 so that the noise associated with glass bottles does not cause a nuisance in the later part of the evening.

In addition we would ask that a similar time restriction is imposed on deliveries as these can also cause a nuisance by disturbing residents above the premises and in the vicinity. We believe that with this earlier terminal hour and these conditions the additional impact on Public Nuisance will be minimised.

We hope that this representation is clear. If you have any questions please contact the undersigned.

<b>Name:</b>	Tanya Seghatchian
<b>Address and/or Residents Association:</b>	
<b>Received:</b>	15 <sup>th</sup> January 2017

I am writing with reference to being in receipt of licensing application 16/14133/LIPN, which relates to Provision of late night refreshments and Supply of Alcohol. This is a change from the existing A1/A3 cafe licence.

I understand that the landlord for these premises is seeking a license for the premises to operate as a restaurant. It was previously two cafes and the site itself is of historical interest.

The premises are situated on the ground floor of a residential building and I am concerned about the impact of the grant of a license on both Public Nuisance grounds and on the grounds of loss of amenity.

In order to prevent an impact on public nuisance the grant of a license should be restricted to the hours on the planning permission. The premises should therefore close at 23:00 on all days of the week with the sale of alcohol terminating 30 minutes earlier than this at 22:30.



In addition to prevent any nuisance being caused by customers seated outside we believe that it would be appropriate to impose a condition that tables and chairs outside should not be used after 21:00.

It appears that the planning permission granted in August 2016 was for an A1/A3 café use and specifically excluded primary cooking. This, along with waiter/waitress service and non-disposable crockery etc are required to comply with M66 and so benefit from the Clear Indoor Air exemption for a restaurant. The conditions offered are NOT the full MC66 conditions. As a result the premises could be much more intensively used than would be the case for a formal restaurant and so we believe that the premises should NOT receive the benefit of the exemption.

In addition whilst the applicant has offered a condition regarding the hours of waste collections, restricting them to the period 08:00-23:00. We would ask that this is narrowed to 08:00-20:00 so that the noise associated with glass bottles does not cause a nuisance in the later part of the evening.

The same time restriction should also be imposed on deliveries as these can also cause a nuisance by disturbing residents above the premises and in the vicinity.

I therefore ask you to consider the likely loss of domestic amenity and public nuisances aspects of this application as a resident in the flats above known as Florin House.

### 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	<p>Policy HRS1 applies:</p> <p>(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.</p> <p>(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.</p>
<b>Policy PB2 applies:</b>	<p>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.</p>
<b>Policy CIA1 applies:</b>	<p>(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.</p> <p>(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.</p>

#### 4. Appendices

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

<b>Report author:</b>	Miss Heidi Lawrance Senior Licensing Officer
<b>Contact:</b>	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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	22 <sup>nd</sup> December 2016
<b>5</b>	Representation – Metropolitan Police Service	13 <sup>th</sup> January 2017
<b>6</b>	Representation – Environmental Health	17 <sup>th</sup> January 2017
<b>7</b>	Representation – Mrs S Varia	10 <sup>th</sup> January 2017
<b>8</b>	Representation – Mrs L Freeman	9 <sup>th</sup> January 2017
<b>9</b>	Representation – Mr R Dickens	12 <sup>th</sup> January 2017
<b>10</b>	Representation – Mr B Daly	11 <sup>th</sup> January 2017
<b>11</b>	Representation – Ms W Dalal	13 <sup>th</sup> January 2017
<b>12</b>	Representation – Dr Freeman	9 <sup>th</sup> January 2017
<b>13</b>	Representation – CGCA	15 <sup>th</sup> January 2017
<b>14</b>	Representation – Ms T Saghatchian	15 <sup>th</sup> January 2017



**Applicant Supporting Documents**

None Submitted.

**Premises History****Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
15/05676/LITENP	Temporary Event Notice	22.07.2015	Refused
15/05817/LITENP	Temporary Event Notice	14.08.2015	Notice Granted
15/06112/LITENP	Temporary Event Notice	14.08.2015	Notice Granted
15/06348/LITENP	Temporary Event Notice	14.08.2015	Notice Granted
15/06573/LITENP	Temporary Event Notice	14.08.2015	Notice Granted
15/11002/LITENP	Temporary Event Notice	10.12.2015	Notice Granted
15/11003/LITENP	Temporary Event Notice	18.12.2015	Notice Granted
15/11444/LITENP	Temporary Event Notice	22.12.2015	Notice Granted
15/11562/LITENP	Temporary Event Notice	22.12.2015	Notice Granted
15/11696/LITENP	Temporary Event Notice	22.12.2015	Notice Granted
16/13022/LITENP	Temporary Event Notice	13.12.2016	Notice Granted
16/13195/LITENP	Temporary Event Notice	20.12.2016	Notice Granted

16/13394/LITENP	Temporary Event Notice	29.12.2016	Notice Granted
16/13725/LITENP	Temporary Event Notice	14.12.2016	Invalid Application
16/13768/LITENP	Temporary Event Notice	29.12.2016	Notice Granted

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

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

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

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

### **Mandatory Conditions**

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



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

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

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Conditions consistent with the operating schedule**

9. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. With the exception of any external area licensed by Westminster City Council for the placing of tables and chairs, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry 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.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer

copies of recent CCTV images or data with the absolute minimum of delay when requested.

20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
15. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed [X] persons (to be determined).
16. Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
17. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

### **Conditions proposed by the Environmental Health**

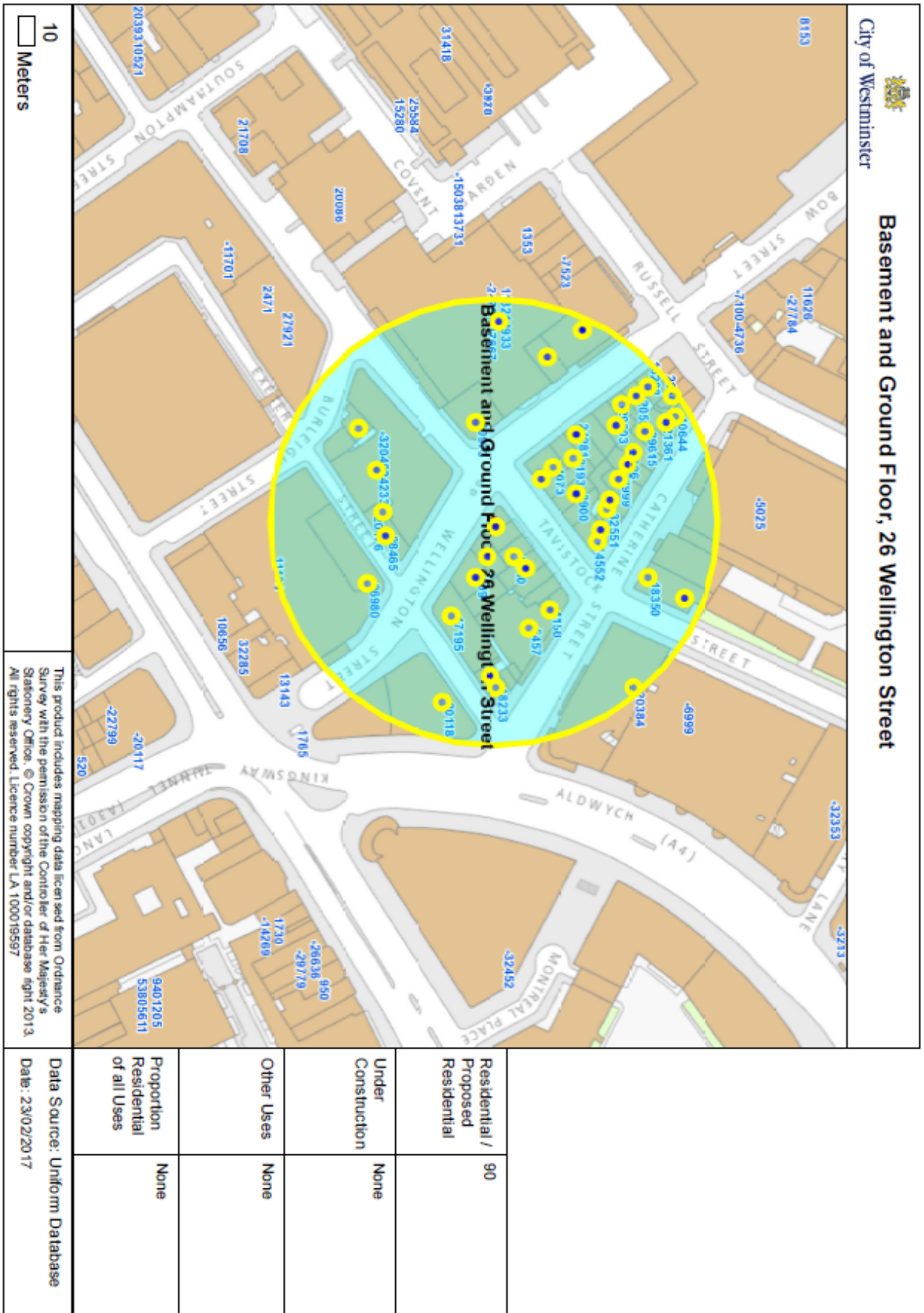
18. The supply of alcohol shall be by waiter or waitress service only.
19. With the exception of any external area licensed by Westminster City Council for placing tables and chairs, there shall be no sales of alcohol for consumption off the premises after 23:00 hours.
20. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
21. With the exception of any external area licensed by Westminster City Council for placing tables and chairs, there shall be no sales of hot food and hot drink for consumption off the premises after 23:00 hours.
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.
23. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

24. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
25. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
26. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

**Conditions proposed by the Police**

None proposed

**Residential Map and List of Premises in the Vicinity**



**Premises within 75 metres of: Basement and Ground Floor, 26 Wellington Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
609	French Bubbles	22 Wellington Street London WC2E 7DD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
3999	Opera Tavern	23 Catherine Street London WC2B 5JS	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
10973	Byron	Basement And Ground Floor 33 - 35 Wellington Street London WC2E 7BN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29603	On The Bab Covent Garden	Concession 36 Wellington Street London WC2E 7BD	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-29068	Double Shot Coffee Company	38 Tavistock Street London WC2E 7PB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 18:30
-26766	Eat Tokyo	27 Catherine Street London WC2B 5JS	Monday to Sunday 11:00 - 00:00
-24751	Balthazar	6 Russell Street London WC2B 5HZ	Monday to Thursday 07:00 - 00:30 Friday to Saturday 07:00 - 01:00 Sunday 08:00 - 23:30
-17667	London Film Museum	45 Wellington Street London WC2E 7BN	Monday to Saturday 09:00 - 00:30 Sunday 09:00 - 22:30
-14552	Cote	17-21 Tavistock Street London WC2E 7PA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
2193	San Carlo Chichetti	Ground Floor 30 Wellington Street London WC2E 7BD	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:30
5457	Duchess Theatre	Duchess Theatre Catherine Street London WC2B 5LA	Saturday to Sunday 09:00 - 00:00 Monday to Friday 09:00 - 03:00
10644	Augustus Harris	33 Catherine Street London WC2B 5JS	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
11321	Balthazar	6 Russell Street London WC2B 5HZ	Monday to Thursday 07:00 - 00:30 Friday to Saturday 08:00 - 01:00 Sunday 08:00 - 23:30
15298	Coach & Horses Public House	42 Wellington Street London WC2E 7BD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00

16026	Bodean's BBQ	Basement And Ground Floor 25 Catherine Street London WC2B 5JS	Monday to Saturday 10:00 - 00:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
17195	Christopher's	18 Wellington Street London WC2E 7DD	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
26980	Bills	21 Wellington Street London WC2E 7DN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
29053	Caf� Murano	36 Tavistock Street London WC2E 7PB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-32551	Little Water	19 Catherine Street London WC2B 5JS	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-32046	Sophie's Steakhouse	Covent Garden 29-31 Wellington Street London WC2E 7DA	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-21361	Sagar Restaurant	31 Catherine Street London WC2B 5JS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-20384	Novello Theatre	7 Aldwych London WC2B 4DA	Monday to Saturday 09:00 - 00:00 Sunday 14:00 - 00:00
-20176	Brioche	15 Exeter Street London WC2E 7DT	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 01:00
-18350	Loch Fyne Restaurants	2-4 Catherine Street London WC2B 5JS	Monday to Saturday 08:00 - 00:30 Sunday 09:00 - 00:00
-2059	Boulevard Brasserie	40 Wellington Street London WC2E 7BD	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 01:00
2900	Strada	15 Tavistock Street London WC2E 7PS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
2940	Pastificio	34 Tavistock Street London WC2E 7PB	Monday to Saturday 08:00 - 21:00 Sundays before Bank Holidays 08:00 - 21:00 Sunday 10:00 - 21:00
4150	Iky's Pizzeria	15 Catherine Street London WC2B 5JZ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
4673	Bella Italia	28 Wellington Street London WC2E 7BD	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
4933	London Transport Museum	Ground Floor To Top Floor 39 Wellington Street London WC2E 7BB	Sunday 08:00 - 01:30 Monday to Saturday 08:00 - 02:30
17144	Gelatorino	Basement And Ground Floor 2 Russell Street London WC2B 5JD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30



18233	The Restaurant	1 - 5 Catherine Street London WC2B 5JS	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
20118	One Aldwych Hotel	Ground Floor To Sixth Floor 1 Aldwych London WC2B 4BZ	Monday to Sunday 00:00 - 00:00
24233	Joe Allen And Orso Restaurant	27 Wellington Street London WC2E 7DA	Friday to Saturday 10:00 - 00:00 Monday to Saturday 10:00 - 01:30 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 22:30
24281	Cafe Rouge	32-34 Wellington Street London WC2E 7BD	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
28465	Be At One	23 Wellington Street London WC2E 7DA	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 - 22:50
29615	Nell Of Old Drury	29 Catherine Street London WC2B 5JS	Monday to Sunday 10:00 - 00:30