

# Licensing Sub-Committee Report

Item No:	
Date:	7 September 2017
Liver de DeCNI	47/07005/LIDV   December 11/2000   Veriation
Licensing Ref No:	17/07395/LIPV - Premises Licence Variation
Title of Report:	Green Man Public House
	57 Berwick Street
	London
	W1F 8SR
Report of:	Director of Public Protection and Licensing
	W . = 1
Wards involved:	West End
<b>5</b> "	
Policy context:	City of Westminster Statement of Licensing Policy
<b>-</b>	TA1
Financial summary:	None
5	N
Report Author:	Miss Yolanda Wade
	Senior Licensing Officer
0	T. I. I
Contact details	Telephone: 020 7641 1884

Email: ywade@westminster.gov.uk

## 1. Application

1-A Applicant and premises						
Application Type:	Variation of a Premises Li	Variation of a Premises Licence, Licensing Act 2003				
Application received date:	5 July 2017					
Applicant:	Mitchells And Butlers Leis	sure Retail Ltd				
Premises:	Green Man Public House					
Premises address:	57 Berwick Street London	Ward:	West End			
	W1F 8SR	Cumulative Impact Area:	Yes			
Premises description:	The premises operates as a public house.					
Variation description:	According to the application, the applicant is seeking to:     1. To vary the sale of alcohol on Sunday (to include Sunday immediately prior to a bank holiday) to commence at 10.00 hours.					
	Current commencement time: 12:00  2. To amend Condition 22 C & D under Annex 3 to reflect the hours on Sundays to be from 10.00 hours.					
Premises licence history:	The premises currently benefits from a premises licence (Appendix 2)					
Applicant submissions:	See Appendix 1					
Plans	Copies of the premises pl and for display at the hea		on request			

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

## Regulated Entertainment

Performance of Dance, Exhibition of films, Indoor Sporting Event, Performance of live music

	Cur	rent urs	Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30			Ground Floor	
Tuesday	10:00	23:30			Ground Floor	
Wednesday	10:00	23:30			Ground Floor	
Thursday	10:00	01:00	No		Ground Floor	No Change
			change			

Saturday Sunday Sundays before	10:00 10:00 12:00 12:00	01:00 01:00 22:30 00:00	Grou Grou Grou		ind Floor and Floor and Floor and Floor and Floor	
Bank Holidays						
Non-standard timings:	On N rema regul when enter New regul on No New	in open for ated enter the proving tainment Year's Evente ew Year's Year's Eventer	s Eve the premises can the purpose of proving the purpose of proving the time is consistent of the time is consistent of the time is consistent of the time is commental to the time is consistent of the tim	viding ne e on ence nt on	Proposed: No Change	

Playing of Recorded Music, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit								
		Cur	rent urs	Propo Hou	sed	Licensable Area		
	S	tart:	End:	Start:	End:	Current:	Proposed:	
Monday	U	Inrestricted	Unrestricted			Ground Floor		
Tuesday	U	Inrestricted	Unrestricted			Ground Floor	No Change	
Wednesday	U	Inrestricted	Unrestricted	No change		Ground Floor		
Thursday	U	Inrestricted	Unrestricted	_		Ground Floor		
Friday	U	Inrestricted	Unrestricted			Ground Floor		
Saturday	U	Inrestricted	Unrestricted			Ground Floor		
Sunday	U	Inrestricted	Unrestricted			Ground Floor		
Seasonal		Current:			Proposed:			
variations/ Non-standar timings:	d	remain open regulated ent when the pro entertainmen New Year's E regulated ent on New Year New Year's E	r's Eve the premiser the purpose of tertainment from the purpose of tertainment from the trainment of the trainment can combine the trainment can combine the trainment can be so as the takes place on the trainment can be the trainment can be so as the trainment ca	of providing the time and cease on the ommence idnight on ulated	No C	hange		

## Late night refreshment

Indoors, out	Indoors, outdoors or both		Current :		Proposed:		
						Indoors	
		rent	Propo		Licens	able Area	
	Но	urs	Hou	rs			
	Start:	End:	Start:	End:	Curren	t:	Proposed:
Monday	23:00	23:30			Ground	Floor	
Tuesday	23:00	23:30	No		Ground	Floor	No Change
			change				
Wednesday	23:00	23:30			Ground	Floor	
Thursday	23:00	01:00			Ground	Floor	
Friday	23:00	01:00			Ground	Floor	
Saturday	23:00	01:00			Ground	Floor	
Sunday					Ground	Floor	
Seasonal	Curi	Current:			Propo	osed:	
variations/					No ch	ange	
Non-standard Refreshment of							
timings:	exten	iaea to US	5:00 on New Ye	ears Day			

Sale by Reta	Sale by Retail of Alcohol						
On or off sale	es		Current :			Proposed	:
			Both			Both	
	Cur	rent	Propo	osed	Licen	sable Area	
	Но	urs	Ηοι				
	Start:	End:	Start:	End:	Curre	nt:	Proposed:
Monday	10:00	23:30			Groun	d Floor	
Tuesday	10:00	23:30			Groun	d Floor	No Change
Wednesday	10:00	23:30			Groun	d Floor	
Thursday	10:00	01:00	No		Groun	d Floor	
			Change				
Friday	10:00	01:00			Ground Floor		
Saturday	10:00	01:00			Groun	d Floor	
Sunday	12:00	22:30	10:00	22:30	Groun	d Floor	
Sunday	12:00	00:00	10:00 00:00		Ground Floor		
before							
Bank							
Holiday							
Seasonal		rent:			Propo		
variations/			r's Eve from			holiday Sun	-
Non-standar						ence at 10.0	00 hours
timings:						0.00 hours.	
				day (or, if there are no			
	permitted ho						
		ember).	nidnight on 3°	151			
	Dece	ilibei).					

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:

Monday	07:00	23:30		Ground Floor	
Tuesday	07:00	23:30	No	Ground Floor	No Change
			Change		
Wednesday	07:00	23:30		Ground Floor	
Thursday	07:00	01:30		Ground Floor	
Friday	07:00	01:30		Ground Floor	
Saturday	07:00	01:30		Ground Floor	
Sunday	07:00	22:50		Ground Floor	
Sundays	07:00	00:00		Ground Floor	
before					
Bank					
Holidays					

1-C Conditions being varied, added or removed						
Condition	Proposed variation					
Condition 22 C & D	Condition 22 C					
(c) Sundays, 12:00 noon to 22:30 (d) Sundays immediately prior to a Bank Holiday, 12:00 to 00:00	To vary the sale of alcohol on Sundays to commence at 10:00 hours  Condition 22 D					
	To vary the sale of alcohol on Sunday immediately prior to a bank holiday to commence at 10.00 hours.					

## 2. Representations

2-A Responsible Authorities					
Responsible Authority:	The Metropolitan Police				
Representative:	PC Reaz Guerra				
Received:	31 <sup>st</sup> July 2017				

With reference to the above application, 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 crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

Responsible	The Licensing Authority					
Authority:						
Representative:	Mr David Sycamore					
Received:	27 <sup>th</sup> July 2017					

I write in relation to the application submitted for a variation of a Premises Licence for the following premises –

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

The applicants seek to sell alcohol beyond core hours as stipulated in the Westminster Statement of Licensing Policy. We are concerned that this will allow people, albeit with food, to purchase and consume alcohol earlier in the day. Sunday is acknowledge in the Policy as a day when residents are entitled to have reduced impact from licenced premises.

We look forward to seeing from the applicant why the application should be granted against the policy points listed above.

Please accept this a formal objection.

Responsible	The Environmental Health Service (Withdrawn)		
Authority:			
Representative:	lan Watson		
Received:	2 <sup>nd</sup> August 2017		

I refer to the application for a variation of the Premises Licence.

The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.

This representation is based on the operating schedule submitted.

The applicant is seeking the following

- 1. To extend the Supply of Alcohol 'On' the Sunday between 10.00 and 12.00 hours ancillary to food.
- 2. Amend condition 22 c and d to reflect the new hours.

I wish to make the following representation

- 1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
- 2. No objection.

The representation from Environmental Health is withdrawn as they are content with the condition proposed by the applicant for the proposed early operational hours on a Sunday being 'The sale of alcohol on Sunday between the hours of 10.00 and 12.00 and shall be for consumption "On" the premises only, and shall be ancillary to substantial food'.

## 3. Policy & Guidance

The following policies w apply:	ithin the City Of Westminster Statement of Licensing Policy
Policy CIA1 applies:	(i) It is the Licensing Authoritys 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 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.

Policy PB2 applies:	(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB2 applies.	It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

# 4. Appendices

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

Report author:	Miss Yolanda Wade	
	Senior Licensing Officer	
Contact:	Telephone: 020 7641 1884	
	Email: ywade@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 <sup>th</sup> January 2016		
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015		
4	The Application Form	5 <sup>th</sup> July 2017		
5	Representation- The Environmental Health Service	2 <sup>nd</sup> August 2017		
6	Representation- The Metropolitan Police Service	31 <sup>st</sup> July 2017		
7	Representation- The Licensing Authority	27 <sup>th</sup> July 2017		









BURGERS

WITH SEASONED CHIPS ON THE SIDE.

ALL DUR RURGERS ARE SERVED IN A LIGHTLY TRACTED BRIDGSE RUN

WITH PICKLED BHERKIN, LETTUCE, TOMATO, RED DAIDH AND MATO,

DUR BEEF BURBERS AND HEAR WITH IN AND INSIN SOURCED BEEF



Feast your eyes on these tasty treats for kids! Perfect for smaller appetites, plus we even have some games to keep them entertained.

Available for children 10 years and under.



VEGGIE DIPPERS 7 99p Cucumber and red pepper with a houmous dip

HEINZ® TOMATO SOUP V £1.29 With wholemeal bread and butter



CHICKEN CURRY & RICE £2.99 CHICKEN CORK 1 & RUGE LAND A tasty mild chicken curry for younger tummiest

BEEF & TOMATO LASAGNE £2.99 Served with a mini side salad

BUILD YOUR OWN CHICKEN WRAD \$2.99

Tortilla wrap, chicken fillet strips, lettuce and tomato with Cheddar and BBQ sauce

TOMATO PASTA 2 £2.99



VANILLA FLAVOURED ICE CREAM V 59p Served with chocolate sauce

FRUITYPOT JELLY 7 99p Mandarin pieces in orange flavour jelly

FRUITY ICE LOLLY 7 99p A juicy orange lolly with no added sugars and 100% real fruit

CHOCOLATE CHI⊅ COOKIE ♥ 69p Vanilla flavour cookie with chunks of dark and milk chocolate

CUSTARD FACE C \$1.29 A bowl of warm custard with Cadbury® Dairy Milk Buttons



GLASS OF MILK FRUIT SHOOT PEDSI, DIET PEDSI, R WHITES LEMONADE FEEL GOOD

Can you wriggle your wormy way through spaghetti junction and find the other side? Don't get covered in gloopy saucel



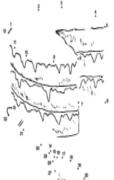
START

Helping kids enjoy their 5 A DAY of fruit & vegetables

Colour in these delicious looking lollies however you like! Who says ice cream can't be the colour of the rainbow?



Can you tell what it is yet? Easyl Just fill in the blanks from dot to dot... to dot... to dot...









Obla uklupata i groba kumnyan efun pipa akna dunkya da jud dipatak i Jya. apar na ripanta, jiano kyu mr. Alar jeda paparin okiha mber na, onekupatai gistan aleba day or prost, celeu nan derpitush ntol da ilagalant. Jya kur s feding o na isano, jiane ku kopilyon ciring. Mil ayani fentu fiyal ad dibi sushib, uparqut. At am or shjata adaliky Aparinda Watakaranta Cuba na umiya ha ili go kusfur o cish. Aparing fut o ugiy or kis meki sheplanainun kayaray isa ada pelik pipa aleba ya panjur pak isa fa dibi.

# Appendix 2

# **Licence & Appeal History**

Application	Details of Application	Date Determined	Decision
05/05582/LIPCV	Application for conversion licence	30.08.2006	Granted Under delegated authority
06/05371/WCCMAP	Application for a premises Licence	12.06.2007	Granted Under delegated authority
11/08300/LIPDPS	Application to vary the Designated Premises Supervisor	31.08.2011	Granted Under delegated authority
14/05834/LIPVM	Application for a Minor Variation This application is to vary the opening commencement our to 07:00 Monday to Sunday (no change to existing licensable activity hours) to allow the premises to serve an earlier breakfast.	28.07.2014	Granted Under delegated authority
14/11435/LIPDPS	Application to vary the Designated Premises Supervisor	06.02.2015	Granted Under delegated authority
15/01884/LIPDPS Application to vary the Designated Premises Supervisor		25.03.2015	Granted Under delegated authority
16/00260/LIPDPS Application to vary the Designated Premises Supervisor		24.02.2016	Granted Under delegated authority
16/04201/LIPDPS	Application to vary the Designated Premises Supervisor	09.05.2016	Granted Under delegated authority
16/06591/LIPDPS	Application to vary the Designated Premises Supervisor	11.07.2016	Granted Under delegated authority
16/11746/LIPDPS	Application to vary the Designated Premises Supervisor	23.01.2017	Granted Under delegated authority

## **Temporary Event Notices**

Application	Details of Application	Decision
11/08929/LITENP	Temporary Event Notice	Notice Allowed
11/09055/LITENP	Temporary Event Notice	Notice Allowed
11/09072/LITENP	Temporary Event Notice	Notice Allowed
11/09073/LITENP	Temporary Event Notice	Notice Allowed
11/09157/LITENP	Temporary Event Notice	Notice Allowed

There is no appeal history

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

When determining a variation application for 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+(DxV)

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 against damage (door supervisors) must be licensed by the Security Industry Authority.
- 10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

#### **Conditions relating to Regulated Entertainment:**

- 11. 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.
- 12. 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).
- 13. The doors at the front of the premises shall remain closed except for the immediate access and egress of customers and staff.
- 14. From Thursday to Saturday inclusive the entrance will be supervised from 21:00 by two door supervisors registered with the City Council.
- 15. The sound limiting device at the premises shall be set and maintained at a level to be decided upon the Environmental Health Officer.
- 16. Notices shall be provided at the premises requesting patrons to leave quietly. Similar reminders shall be made over the loud speakers and by door supervisors at the door.
- 17 The licence holder shall use her best endeavours to ensure that customers do not congregate on the public highway outside the premises.
- 18. All other reasonable requests made by the Environmental Health Officer so as to avoid the emanation of noise shall be complied with.
- 19. The number of persons accommodated (excluding staff) at the premises shall not exceed 220.

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

- 20. 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.

21.	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

22. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) Monday to Wednesday, 10:00 to 23:30
- (b) Thursday to Saturday 10.00 to 01:00
- (c) Sundays, 12:00 noon to 22:30

#### The applicant proposes to amend condition 22 (C)

Sundays, 12:00 noon to 22:30

(d) Sundays immediately prior to a Bank Holiday, 12:00 to 00:00

#### The applicant proposes to amend condition 22 (D)

Sundays immediately prior to a Bank Holiday, 10:00 to 00:00

(e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

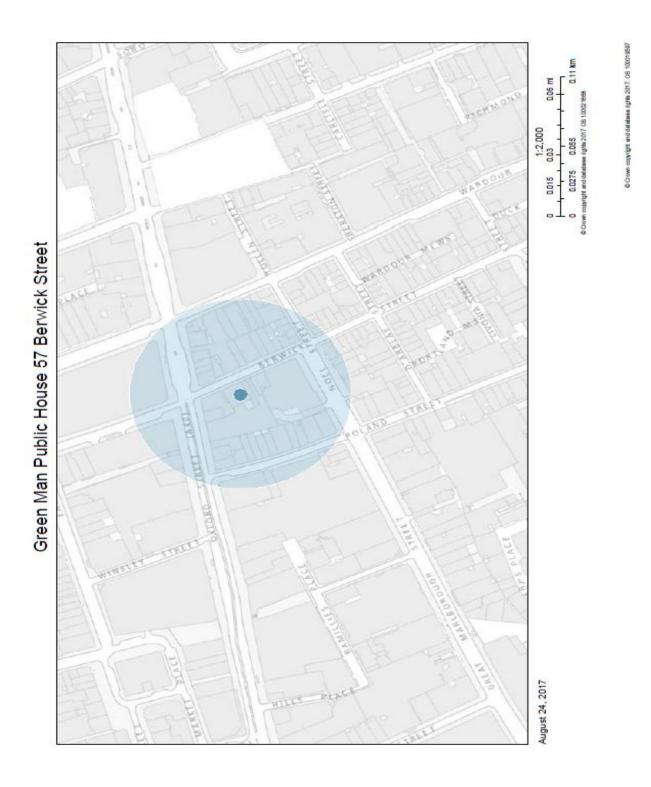
In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 23. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment. For the avoidance of doubt, the ancillary restrictions of alcohol to food and dancing previously in force which have been carried over on conversion of the Special Hours Certificate do not apply during the `core hours' specified in policy HRS1.
- 24. All customers should be off the premises by 11:30pm Monday Wednesday, 1:30am Thursday to Saturday and 10:50pm Sunday (midnight on Sundays immediately prior to Bank Holidays).
- 25. Credit card sales to be allowed, subject to the proviso that customers are to be presented with an itemised bill.

- 26. All persons under the age of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 9pm (9:30pm if taking a table meal accompanied by an adult).
- 27. All other reasonable requests by the Environmental Health Officer so as to avoid the emanation of noise shall be complied with.
- 28. Performance of live music is limited to not more than two performers.

#### **Proposed conditions by applicant:**

29. The sale of alcohol on Sunday between the hours of 10.00 and 12.00 and shall be for consumption "On" the premises only, and shall be ancillary to substantial food'. (agreed with EH)





Schedule 12 Part A WARD: West End UPRN: 100022726194

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:	16/11746/LIPDPS
Original Reference:	05/05582/LIPCV

#### Part 1 - Premises details

#### Postal address of premises:

Green Man Public House 57 Berwick Street London W1F 8SR

Telephone Number: 020 7494 9731

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

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance

Exhibition of a Film

Indoor Sporting Event

Performance of Live Music

Playing of Recorded Music

Late Night Refreshment

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

Sale by Retail of Alcohol

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

#### Performance of Dance

 Monday to Wednesday:
 10:00 to 23:30

 Thursday to Saturday:
 10:00 to 01:00

 Sunday:
 12:00 to 22:30

 Sundays before Bank Holidays:
 12:00 to 00:00

#### Exhibition of a Film

 Monday to Wednesday:
 10:00 to 23:30

 Thursday to Saturday:
 10:00 to 01:00

 Sunday:
 12:00 to 22:30

 Sundays before Bank Holidays:
 12:00 to 00:00

Indoor Sporting Event

 Monday to Wednesday:
 10:00 to 23:30

 Thursday to Saturday:
 10:00 to 01:00

 Sunday:
 12:00 to 22:30

 Sundays before Bank Holidays:
 12:00 to 00:00

Performance of Live Music

Monday to Thursday: 10:00 to 23:30 (subject to condition 28)
Friday to Saturday: 10:00 to 00:00 (subject to condition 28)
Sunday: 12:00 to 22:30 (subject to condition 28)
Sundays before Bank Holidays: 12:00 to 00:00 (subject to condition 28)

Playing of Recorded Music Unrestricted

Late Night Refreshment

Monday to Wednesday: 23:00 to 23:30 Thursday to Saturday: 23:00 to 01:00 Sundays before Bank Holidays: 23:00 to 00:00

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

Sale by Retail of Alcohol

 Monday to Wednesday:
 10:00 to 23:30

 Thursday to Saturday:
 10:00 to 01:00

 Sunday:
 12:00 to 22:30

 Sundays before Bank Holidays:
 12:00 to 00:00

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

The opening hours of the premises:

 Monday to Wednesday:
 07:00 to 23:30

 Thursday to Saturday:
 07:00 to 01:30

 Sunday:
 07:00 to 22:50

 Sundays before Bank Holidays:
 07:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

#### Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mitchells and Butlers Leisure Retail Ltd 27 Fleet Street Birmingham B3 1JP

Electronic Mail: licensing@mbplc.com Telephone Number: 0870 609 3000 Registered number of holder, for example company number, charity number (where applicable)

01001181

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

Name: Joseph Anthony Concannon

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 05/06558/LIPERS

Licensing Authority: City Of Westminster Council

Date: 23<sup>rd</sup> January 2017

This licence has been authorised by Mr Daniel Ferrer on behalf of the Director - Public Protection and Licensing.

#### Annex 1 - Mandatory conditions

- No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
- 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.
- Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- (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—
  - games or other activities which require or encourage, or are designed to require or encourage, individuals to;
    - 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;
  - 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).
- The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- (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+(DxV)

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
- 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
  - 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.
- All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
- Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

#### Conditions relating to Regulated Entertainment:

- 11. 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.
- 12. 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).
- The doors at the front of the premises shall remain closed except for the immediate access and egress of customers and staff.
- From Thursday to Saturday inclusive the entrance will be supervised from 21:00 by two door supervisors registered with the City Council.

- The sound limiting device at the premises shall be set and maintained at a level to be decided upon the Environmental Health Officer.
- 16. Notices shall be provided at the premises requesting patrons to leave quietly. Similar reminders shall be made over the loud speakers and by door supervisors at the door.
- 17 The licence holder shall use her best endeavours to ensure that customers do not congregate on the public highway outside the premises.
- All other reasonable requests made by the Environmental Health Officer so as to avoid the emanation of noise shall be complied with.
- The number of persons accommodated (excluding staff) at the premises shall not exceed 220.

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

- 20. 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,
  - 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.
- 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

 Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) Monday to Wednesday, 10:00 to 23:30
- (b) Thursday to Saturday 10.00 to 01:00
- (c) Sundays, 12:00 noon to 22:30
- (d) Sundays immediately prior to a Bank Holiday, 12:00 to 00:00
- (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

- 23. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment. For the avoidance of doubt, the ancillary restrictions of alcohol to food and dancing previously in force which have been carried over on conversion of the Special Hours Certificate do not apply during the 'core hours' specified in policy HRS1.
- All customers should be off the premises by 11:30pm Monday Wednesday, 1:30am Thursday to Saturday and 10:50pm Sunday (midnight on Sundays immediately prior to Bank Holidays).
- Credit card sales to be allowed, subject to the proviso that customers are to be presented with an itemised bill.
- 26. All persons under the age of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 9pm (9:30pm if taking a table meal accompanied by an adult).
- All other reasonable requests by the Environmental Health Officer so as to avoid the emanation of noise shall be complied with.
- 28. Performance of live music is limited to not more than two performers.

#### Annex 4 - Plans

Attached



#### Schedule 12 Part B

WARD: West End UPRN: 100022726194

# Premises licence summary

Regulation 33, 34

Premises licence number:	16/11746/LIPDPS

#### Part 1 - Premises details

#### Postal address of premises:

Green Man Public House 57 Berwick Street London W1F 8SR

Telephone Number: 020 7494 9731

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

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance

Exhibition of a Film

Indoor Sporting Event

Performance of Live Music

Playing of Recorded Music

Late Night Refreshment

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

Sale by Retail of Alcohol

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

#### Performance of Dance

 Monday to Wednesday:
 10:00 to 23:30

 Thursday to Saturday:
 10:00 to 01:00

 Sunday:
 12:00 to 22:30

 Sundays before Bank Holidays:
 12:00 to 00:00

#### **Exhibition of a Film**

Monday to Wednesday: 10:00 to 23:30
Thursday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 00:00

#### Indoor Sporting Event

 Monday to Wednesday:
 10:00 to 23:30

 Thursday to Saturday:
 10:00 to 01:00

 Sunday:
 12:00 to 22:30

 Sundays before Bank Holidays:
 12:00 to 00:00

#### Performance of Live Music

Monday to Thursday: 10:00 to 23:30 (subject to condition 28)
Friday to Saturday: 10:00 to 00:00 (subject to condition 28)
Sunday: 12:00 to 22:30 (subject to condition 28)
Sundays before Bank Holidays: 12:00 to 00:00 (subject to condition 28)

Playing of Recorded Music Unrestricted

#### Late Night Refreshment

Monday to Wednesday: 23:00 to 23:30 Thursday to Saturday: 23:00 to 01:00 Sundays before Bank Holidays: 23:00 to 00:00

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

#### Sale by Retail of Alcohol

 Monday to Wednesday:
 10:00 to 23:30

 Thursday to Saturday:
 10:00 to 01:00

 Sunday:
 12:00 to 22:30

 Sundays before Bank Holidays:
 12:00 to 00:00

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

#### The opening hours of the premises:

 Monday to Wednesday:
 07:00 to 23:30

 Thursday to Saturday:
 07:00 to 01:30

 Sunday:
 07:00 to 22:50

 Sundays before Bank Holidays:
 07:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

#### Name and (registered) address of holder of premises licence:

Mitchells and Butlers Leisure Retail Ltd 27 Fleet Street Birmingham B3 1JP

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

01001181

Name of designated premise:	s supervisor where	the premises	licence authorises for
the supply of alcohol:			

Name: Joseph Anthony Concannon

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 23<sup>rd</sup> January 2017

This licence has been authorised by Mr Daniel Ferrer on behalf of the Director - Public Protection and Licensing.