



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	9 November 2017
Licensing Ref No:	17/10271/LIPV - Premises Licence Variation
Title of Report:	Liberty 25 Great Marlborough Street London W1F 7HH
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	15 September 2017		
<b>Applicant:</b>	Liberty Retail Limited		
<b>Premises address:</b>	25 Great Marlborough Street London W1F 7HH	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises currently operate as a café within a department store.		
<b>Variation description:</b>	<p>The application seeks to vary the part of the Premises Licence known as Café Liberty. The application seeks to vary Condition 11(ii) of the premises which currently reads as:</p> <p><i>The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:</i></p> <p style="padding-left: 40px;"><i>(i) by waiter services only</i> <i>(ii) be ancillary to a substantial table meal.</i></p> <p>The applicant seeks to vary this condition to the following:</p> <p><i>The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:</i></p> <p style="padding-left: 40px;"><i>(i) by waiter services only</i> <i>(ii) to no more than 20 persons who may consume alcohol without taking a substantial table meal. All other supplies of alcohol to be ancillary to a table meal.</i></p>		
<b>Premises licence history</b>	The premises has been licensed since 2006. The full details of the premises licence history can be found at Appendix 2.		
<b>Applicant submissions:</b>	None		
<b>Plans:</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

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

**Performance of dance**

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
<b>Monday</b>	10:00	23:00	No change		No change
<b>Tuesday</b>	10:00	23:00			
<b>Wednesday</b>	10:00	23:00			
<b>Thursday</b>	10:00	23:00			
<b>Friday</b>	10:00	23:00			
<b>Saturday</b>	10:00	23:00			
<b>Sunday</b>	12:00	22:30			
<b>Seasonal variations: Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	No change			None	

**Performance of live music**

	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
<b>Monday</b>	10:00	23:00	No change		No change
<b>Tuesday</b>	10:00	23:00			
<b>Wednesday</b>	10:00	23:00			
<b>Thursday</b>	10:00	23:00			
<b>Friday</b>	10:00	23:00			
<b>Saturday</b>	10:00	23:00			
<b>Sunday</b>	12:00	22:30			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	None			No change	

Playing of recorded music					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:00	No change		No change
Tuesday	10:00	23:00			
Wednesday	10:00	23:00			
Thursday	10:00	23:00			
Friday	10:00	23:00			
Saturday	10:00	23:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None			No change	

Provision of facilities for entertainment of a similar description to making music or dancing					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:00	No change		No change
Tuesday	10:00	23:00			
Wednesday	10:00	23:00			
Thursday	10:00	23:00			
Friday	10:00	23:00			
Saturday	10:00	23:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	None			No change	

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			Both		No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:00	No change		No change
Tuesday	10:00	23:00			
Wednesday	10:00	23:00			
Thursday	10:00	23:00			
Friday	10:00	23:00			
Saturday	10:00	23:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		None			No change

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	10:00	23:00	No change		No change
Tuesday	10:00	23:00			
Wednesday	10:00	23:00			
Thursday	10:00	23:00			
Friday	10:00	23:00			
Saturday	10:00	23:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:		Current:			Proposed:
		No change			No change

1-C CONDITIONS BEING VARIED	
Condition	Proposed variation
<p><b><u>Condition 11</u></b></p> <p>The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:</p> <p>i. by waiter services only ii. be ancillary to a substantial table meal</p>	<p>The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:</p> <p>i. by waiter services only ii. to no more than 20 persons who may consume alcohol without taking a substantial table meal. All other supplies of alcohol to be ancillary to a table meal.</p>

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	5 October 2017
<p>I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>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.</p> <p>Police would like you to add the following conditions to your operating schedule as we believe they address our concerns in relation to crime and disorder.</p> <ol style="list-style-type: none"> <li>1. 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) any faults in the CCTV system, (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service.</li> <li>2. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.</li> </ol>	

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Mr David Sycamore
<b>Received:</b>	13 October 2017
<p>I write in relation to the application submitted for a variation of a Premises Licence.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> </ul> <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered. The applicants seeks to allow 20 persons to consume alcohol without the need to be taking substantial table meal. The alcohol will still be served by waiters or waitress but we are concerned how this will operate as the licence currently permits sales of alcohol on the premises until 23:00hrs. 2.4.22 of the Westminster Licensing Policy clarifies that in the C.I.A alcohol should usually be sold only as ancillary to food. We would also draw the applicants attention to considering whether the alcohol sales as proposed could be limited to 20:00hrs.</p> <p>Please accept this as formal representation and we look forward to hearing from the applicants in relation the above policy considerations.</p>	

<b>2-B Other Persons</b>	
<b>Name:</b>	The Soho Society
<b>Received:</b>	12 October 2017
<p>The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.</p> <p><b>About The Soho Society</b></p> <p>The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.</p> <p><b>Application summary</b></p> <p>The application is described as follows:</p> <p><b>We apply to vary Annex 2 Condition 11(ii) of the premises licence to permit the</b></p>	

**sale of alcohol for consumption within Cafe Liberty to no more than 20 persons who may consume alcohol without taking a substantial table meal. All other supplies of alcohol to be ancillary to a table meal.**

### **Licensing policy**

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). This application seeks to license alcohol consumption for a maximum of 20 persons within the café of this retail premises without the alcohol being ancillary to a table meal. This directly contravenes policy 2.5.3 which states: 'The council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as 'vertical drinking' premises where customers consume alcohol standing throughout the evening.' The immediate area surrounding Liberty is rich in bars and public houses where alcohol can easily be obtained so it is hard to understand why the shop café wishes to begin operating as a bar.

We believe that the application, if granted in its present form, would merely add to cumulative impact in the West End Cumulative Impact Area, as well as set an unwelcome precedent for shops wishing to sell alcohol to customers. I respectfully urge the Licensing Sub-Committee to reject this application.



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<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>
<b>Policy HRS1 applies:</b>	<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>	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.

## 4. Appendices

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

<b>Report author:</b>	Ms Daisy Gadd Senior Licensing Officer
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**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	April 2017
<b>4</b>	Representation Metropolitan Police Service	5 October 2017
<b>5</b>	Representation Licensing Authority	13 October 2017
<b>6</b>	Representation The Soho Society	12 October 2017

**Applicant Supporting Documents**

**Appendix 1**

None

## Licence &amp; Appeal History

Application	Details of Application	Date Determined	Decision
06/09353/LIPN	This was an application for a new premises licence.	02.11.2006	Granted under Delegated Authority
07/02798/LIPDPS	This was an application to vary the DPS.	06.05.2007	Granted under Delegated Authority
08/01274/LIPDPS	This was an application to vary the DPS.	27.11.2008	Granted under Delegated Authority
08/02340/LIPN	This was an application for a new premises licence.	29.05.2008	Granted by Licensing Sub Committee  Following the grant of a new premises licence in respect of Liberty, this licence was surrendered on 10 October 2011.
11/07982/LIPN	This was an application for a new premises licence.	28.09.2011	Granted under Delegated Authority
12/03966/LIPDPS	This was an application to vary the DPS.	10.07.2012	Granted under Delegated Authority
12/06011/LIPDPS	This was an application to vary the DPS.	08.08.2012	Granted under Delegated Authority
13/07231/LIPV	This was an application to vary the premises licence. The variation sought to include within the area licensed for "off" sales that area of the premises adjacent to the Central Atrium and East Atrium on the 4th Floor as shown on the deposited plans. To remove from the premises licence Annex 2 Condition 10 (a) (ii) - "The tea Room on the Ground Floor"	25.10.2013	Granted under Delegated Authority

14/06580/LIPDPS	This was an application to vary the DPS.	05.09.2014	Granted under Delegated Authority
16/01005/LIPVM	This was an application for a minor variation.	28.01.2016	<p>Refuse Licence.</p> <p>The Licensing Authority rejected this minor variation as they did not consider that varying the licence to add the whole premises to sell and supply alcohol would promote the Licensing Objectives and therefore a full variation application would need to be submitted.</p>
16/02393/LIPV	<p>This was an application to vary the premises licence.</p> <p>This application was made to vary the current Premises Licence to enable greater flexibility regarding the location within store from which the sale and supply of alcohol can be made for consumption off the premises. The existing licence restricted the sale and supply of alcohol to members of the public as follows:</p> <p>Annex 2 Condition 11</p> <p>The sale and supply of alcohol to members of the public shall be restricted to:</p> <p>(b) for consumption off the premises within:-</p> <p>i. the off sale area known as the Carnaby Room on the Ground Floor;</p> <p>ii. the West Atrium and West Atrium Annex on the Third Floor; and</p> <p>iii. the Central Atrium and East Atrium on the Fourth Floor.</p> <p>The proposed amendment was to permit the sale and</p>	30.03.2016	<p>Application withdrawn.</p> <p>It was the Licensing Authority's opinion that this was a substantial change and therefore this application was invalid.</p>

	supply of alcohol to members of the public for consumption off the premises from anywhere within the store whilst still limiting the overall sales area to be used at any one time to no more than 15% in accordance with condition 15 of the Premises Licence.		
16/02548/LIPN	This was an application for a new premises licence.	10.05.2016	Granted under Delegated Authority
17/10269/LIPV	This was an application to vary the premises licence. The application sought to vary the Cafe Liberty licensed area in accordance with plans deposited with this application, to include installation of fixed seating as shown on the plan, replacement service counter with seating, and extension to the restaurant seating area (note: removal of kitchen from the licensed area).	23.10.2017	Granted under Delegated Authority.

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
15/09695/LITENP	This was an application for a Temporary Event Notice.	04.11.2015	Notice granted
15/09838/LITENP	This was an application for a Temporary Event Notice.	10.12.2015	Notice granted
15/10224/LITENP	This was an application for a Temporary Event Notice.	17.12.2015	Notice granted
15/10233/LITENP	This was an application for a Temporary Event Notice.	17.12.2015	Notice granted

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

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

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

#### **Conditions: On Current Licence -**

##### **Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the

- period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—



- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

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

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

## **Annex 2 – Conditions consistent with the operating Schedule**

9. The sale of alcohol shall be ancillary to the premises remaining a Departmental Store.

10. The sale and supply of alcohol to members of the public shall be restricted to:

(a) for consumption "On" the premises within:-

(i) The Margareth Dabbs Spa on the Lower Ground Floor,

(ii) Café Liberty on the Second Floor and

(iii) The Heritage Suite on the Third Floor

(b) When persons are attending 'tastings' by ticket or invitation, alcohol may be sold or supplied for consumption 'On' the premises within:-

(i) The Carnaby Room on the Ground Floor;

(ii) The West Atrium and West Atrium Annex on the Third Floor;

(iii) The Central Atrium and East Atrium on the Fourth Floor.

(c) Persons attending a pre-arranged event by ticket or prior invitation (in the entirety of) the Lower Ground Floor, Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor subject to the capacity not exceeding 500 persons (excluding staff)

(d) For consumption "Off" the premises anywhere within the Lower Ground Floor to 4th Floor

11. The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:
  - i. by waiter services only
  - ii. be ancillary to a substantial table meal

**The applicant has proposed to vary condition 11 to the below:**

The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:

- i. by waiter services only
  - ii. to no more than 20 persons who may consume alcohol without taking a substantial table meal. All other supplies of alcohol to be ancillary to a table meal.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available at the Café Liberty on the Second Floor and The Heritage Suite on the Third Floor where alcohol is sold or supplied for consumption "On" the premises.
13. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption "On" the premises.
14. No more than 10% of the sales area is to be used at any one time for the sale or display of alcohol for consumption "Off" the premises.
15. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
16. All sales of alcohol for consumption "Off" the premises shall be in sealed containers only, and shall not be consumed on the premises.
17. Alcohol may only be sold for consumption in the Margaret Dabbs Spa on the Lower Ground Floor to customers having booked and receiving a treatment.
18. No drinks shall be served in glass containers at any time in the Margaret Dabbs Spa on the Lower Ground Floor.
19. When licensable activities are carried out at pre-arranged events throughout the Lower Ground Floor, Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor of the premises, the maximum number of persons accommodated at any one time shall not exceed 500 persons (excluding staff). Attendance at these events to be by pre-booked ticket or invitation only.
20. 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 31 day period.

21. 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.
22. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. No regulated entertainment shall take place in the entrance areas on the ground floor.
25. All windows and external doors on the ground floor shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
26. 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
27. Save for members of staff, all persons shall depart from the premises by 23:30 hours Monday to Saturday and 22:30 hours on Sundays.
28. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. 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.
31. 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.
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

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

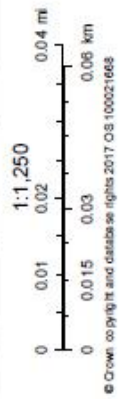
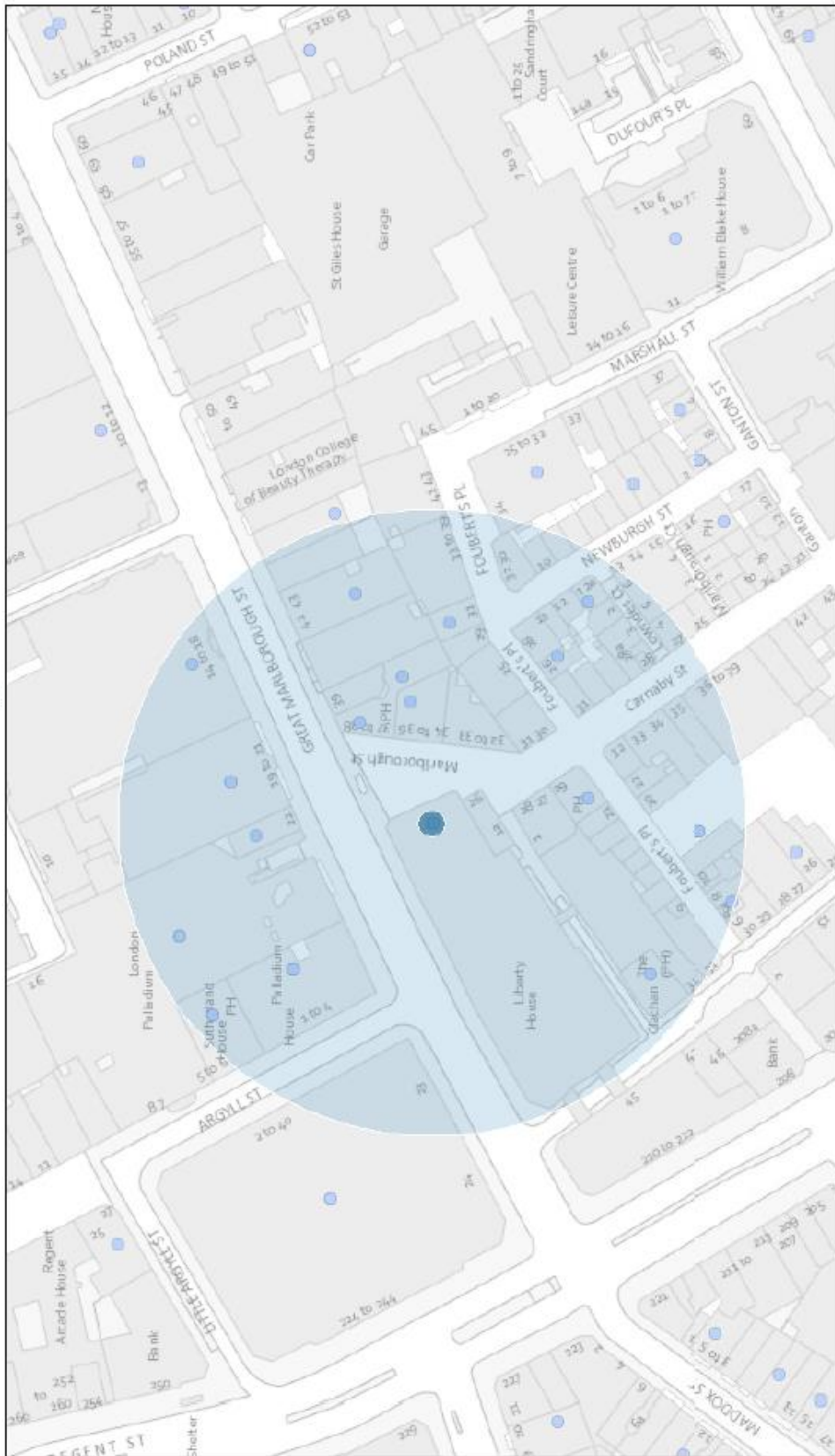
None

### **Conditions proposed by the Police and agreed with the applicant**

36. 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) any faults in the CCTV system,
  - f) any refusal of the sale of alcohol, and
  - g) any visit by a relevant authority or emergency service.
37. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

# Residential Map and List of Premises in the Vicinity Appendix 4

Liberty



October 23, 2017  
 ● Live Licensing Act

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Resident count = 31



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: West End  
UPRN: 010033549093

Premises licence

Regulation 33, 34

Premises licence number:

16/02548/LIPN

Original Reference:

16/02548/LIPN

Part 1 – Premises details

Postal address of premises:

Liberty  
25 Great Marlborough Street  
London  
W1F 7HH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Provision of facilities for entertainment of a similar description to making music or dancing  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**Performance of Live Music**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**Playing of Recorded Music**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**Provision of facilities for entertainment of a similar description to making music or dancing**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**The opening hours of the premises:**

Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

**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:**

Liberty Retail Limited  
Liberty House  
214-222 Regent Street  
Westminster  
London  
W1B 5AH  
*Electronic Mail : r.rodriguez@liberty.co.uk*  
*Telephone Number : 02077341234*

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

03967671

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

**Name:** Mr Robert Rodriguez

*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:** 12/04849/LIPERS  
**Licensing Authority:** City of Westminster Council

**Date:** 29<sup>th</sup> June 2016

This licence has been authorised by Mrs Sumeet Anand-Patel on behalf of the Director - Public Protection and Licensing.



#### Annex 1 – 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.

## Annex 2 – Conditions consistent with the operating Schedule

9. The sale of alcohol shall be ancillary to the premises remaining a Departmental Store.
10. The sale and supply of alcohol to members of the public shall be restricted to:
  - (a) for consumption "On" the premises within:-
    - (i) The Margareth Dabbs Spa on the Lower Ground Floor,
    - (ii) Café Liberty on the Second Floor and
    - (iii) The Heritage Suite on the Third Floor
  - (b) When persons are attending 'tastings' by ticket or invitation, alcohol may be sold or supplied for consumption 'On' the premises within:-
    - (i) The Camaby Room on the Ground Floor;
    - (ii) The West Atrium and West Atrium Annex on the Third Floor;
    - (iii) The Central Atrium and East Atrium on the Fourth Floor.
  - (c) Persons attending a pre-arranged event by ticket or prior invitation (in the entirety of) the Lower Ground Floor, Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor subject to the capacity not exceeding 500 persons (excluding staff)
  - (d) For consumption "Off" the premises anywhere within the Lower Ground Floor to 4th Floor
11. The supply of alcohol for consumption "On" the premises within Café Liberty on the Second Floor and the Heritage Suite on the Third Floor shall be:
  - i. by waiter services only
  - ii. be ancillary to a substantial table meal
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available at the Café Liberty on the Second Floor and The Heritage Suite on the Third Floor where alcohol is sold or supplied for consumption "On" the premises.
13. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption "On" the premises.
14. No more than 10% of the sales area is to be used at any one time for the sale or display of alcohol for consumption "Off" the premises.
15. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
16. All sales of alcohol for consumption "Off" the premises shall be in sealed containers only, and shall not be consumed on the premises.
17. Alcohol may only be sold for consumption in the Margaret Dabbs Spa on the Lower Ground Floor to customers having booked and receiving a treatment.
18. No drinks shall be served in glass containers at any time in the Margaret Dabbs Spa on the Lower Ground Floor.
19. When licensable activities are carried out at pre-arranged events throughout the Lower Ground Floor, Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor of the premises, the maximum number of persons accommodated at any one time shall not exceed 500 persons (excluding staff). Attendance at these events to be by pre-booked ticket or invitation only.
20. 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 31 day period.

21. 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.
22. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. No regulated entertainment shall take place in the entrance areas on the ground floor.
25. All windows and external doors on the ground floor shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
26. 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
27. Save for members of staff, all persons shall depart from the premises by 23:30 hours Monday to Saturday and 22:30 hours on Sundays.
28. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. 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.
31. 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.
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

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

None



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

WARD: West End  
UPRN: 010033549093

Premises licence  
summary

Regulation 33, 34

Premises licence number:

16/02548/LIPN

Part 1 – Premises details

Postal address of premises:

Liberty  
25 Great Marlborough Street  
London  
W1F 7HH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Provision of facilities for entertainment of a similar description to making music or dancing  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**Performance of Live Music**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**Playing of Recorded Music**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**Provision of facilities for entertainment of a similar description to making music or dancing**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 23:00  
Sunday: 12:00 to 22:30

The opening hours of the premises:

Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

**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:**

Liberty Retail Limited  
Liberty House  
214-222 Regent Street  
Westminster  
London  
W1B 5AH

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

03967671

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

**Name:** Mr Robert Rodriguez

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

Restricted

**Date:** 29<sup>th</sup> June 2016

This licence has been authorised by Mrs Sumeet Anand-Patel on behalf of the Director  
- Public Protection and Licensing.