



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	22 January 2018		
Applicant:	Young And Co's Brewery		
Premises:	Marquess Of Anglesey		
Premises address:	39 Bow Street London WC2E 7AU	Ward: Cumulative Impact Area:	St James's West End
Premises description:	<p>The premises is a Public House that has traded with the same operator since at least 2005 when the conversion application was received. The premises is comprised of 4 floors: basement, ground floor, first floor and second floor. The variation application relates solely to the first floor.</p>		
Variation description:	<p>According to the application, the Applicant proposes to vary the premises licence as follows:</p> <p>Part 1: To vary the layout of the premises for the first floor only (all other floors to remain as existing) in accordance with plans supplied by the applicant.</p> <p>Main Change - Changes to fixed seating and a new waiter station.</p> <p>Part 2: To reduce the alcohol and late night refreshment hours for the first floor only to core hours which are:</p> <p>Retail Sale of Alcohol 'On' the premises. Monday to Thursday 10.00 - 23.30 hours. Friday and Saturday and Sunday immediately prior to Bank Holidays 10.00 - 00.00 hours. (Midnight) Sunday 12.00 - 22.30 hours.</p> <p>Late Night Refreshment Monday to Thursday 23.00 - 23.30 hours. Friday and Saturday and Sunday immediately prior to Bank Holidays 23.00 - 00.00 hours. (Midnight)</p> <p>Part 3: To remove conditions 11 and 12 and to add a further 9 conditions as agreed in a pre-consultation with the EHO as listed in the separate sheet attached.</p> <p>All other licensable activities, permitted hours and opening hours to remain as existing.</p>		

Premises licence history:	The premises currently benefits from a premises licence. Full premises licence history can be found at Appendix 3 of the report.
Applicant submissions:	The Applicant has provided a schedule of proposed conditions. The full schedule of current and proposed conditions can be found at Appendix 3 of the report.
Plan	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

Late night refreshment

Indoors, outdoors or both		Current :				Proposed:			
		Indoors				No change			
	Current Hours		Proposed Hours		Licensable Area				
	Start:	End:	Start:	End:	Current:		Proposed:		
	Monday	23:00	00:30	23:00	23:30	First floor	No change		
	Tuesday	23:00	00:30	23:00	23:30				
	Wednesday	23:00	00:30	23:00	23:30				
	Thursday	23:00	00:30	23:00	23:30				
	Friday	23:00	00:30	23:00	00:00				
	Saturday	23:00	00:30	23:00	00:00				
	Sunday	23:00	00:00	No change					
Seasonal variations/ Non-standard timings:	Current:				Proposed:				
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				The terminal hour for late night refreshment is extended to midnight on a Sunday preceding a bank holiday.				
	None				No change				

Sale by Retail of Alcohol

On or off sales			Current :				Proposed:				
			On sales				No change				
	Current Hours		Proposed Hours		Licensable Area						
	Start:	End:	Start:	End:	Current:		Proposed:				
	Monday	10:00	00:00	10:00	23:30	First floor	No change				
	Tuesday	10:00	00:00	10:00	23:30						
	Wednesday	10:00	00:00	10:00	23:30						
	Thursday	10:00	00:00	10:00	23:30						
	Friday	10:00	00:00	10:00	00:00						
	Saturday	10:00	00:00	10:00	00:00						
	Sunday	12:00	22:30	10:00	23:30						
Seasonal variations/	Current:				Proposed:						
	Alcohol may be sold or supplied:				The terminal hour for retail sale of						

Non-standard timings:	<p>(ii) First Floor:</p> <ul style="list-style-type: none"> (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00. (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30. (c) On Good Friday, 12.00 to 22.30. (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30. (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00. (f) On New Year's Eve on a Sunday, 12.00 to 22.30. (g) 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). <p>(iii) For the First Floor only: Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p>	alcohol is extended to midnight on a Sunday preceding a bank holiday.
	None	No change

Hours premises are open to the public							
	Current Hours		Proposed Hours		Premises Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
Monday	10:00	00:30	10:00	23:30	First floor	No change	
Tuesday	10:00	00:30	10:00	23:30			
Wednesday	10:00	00:30	10:00	23:30			
Thursday	10:00	00:30	10:00	23:30			
Friday	10:00	00:30	10:00	00:00			
Saturday	10:00	00:30	10:00	00:00			
Sunday	12:00	00:00	12:00	23:00			
Seasonal variations/ Non-standard timings:	Current:				Proposed:		
	None				No change		

1-C Layout alteration

To vary the layout of the premises for the first floor only (all other floors to remain as existing) in accordance with plans supplied by the applicant.

Main Change - Changes to fixed seating and the addition of a new waiter station.

1-D Conditions being varied, added or removed

Condition	Proposed variation
Condition 11: The supply of alcohol on the first floor of the premises shall only be to either: i) A person seated taking a table meal there and for consumption by such a person as ancillary to their meal, the supply of alcohol to be by waiter or waitress service or ii) A person attending a pre-booked private function where substantial food is available and a record including the date and name of the function is retained for a period of 31 days following the function.	Proposal to remove Condition 11
Condition 12: Alcohol may be sold or supplied:	Proposal to remove Condition 12 (ii) and (iii)

<p>(ii) First Floor:</p> <ul style="list-style-type: none"> (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00. (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30. (c) On Good Friday, 12.00 to 22.30. (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30. (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00. (f) On New Year's Eve on a Sunday, 12.00 to 22.30. (g) 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). <p>(iii) For the First Floor only:</p> <p>Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p>	
The sale of alcohol on the first floor shall be by waiter/waitress service.	Add condition to operating schedule
The number of persons permitted on the first floor of the premises at any one time (excluding staff) shall not exceed 100 persons.	Add condition to operating schedule
Substantial food and non-intoxicating beverages, including drinking water, shall be available on the first floor where alcohol is sold or supplied for consumption	Add condition to operating schedule

on the premises.	
A minimum of 65 covers shall always be provided on the first floor.	Add condition to operating schedule
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.	Add condition to operating schedule
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 preceding 31 day period.	Add condition to operating schedule
<p>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 premise 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.</p> <p>An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:</p> <ul style="list-style-type: none"> (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning 	Add condition to operating schedule

<p>crime and disorder</p> <p>(d) any incidents of disorder</p> <p>(e) all seizures of drugs or offensive weapons</p> <p>(f) any faults in the CCTV system</p> <p>(g) any visit by a relevant authority or emergency service.</p>	
<p>The premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.</p>	<p>Add condition to operating schedule</p>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Ian Watson
Received:	19 January 2018
<p>I refer to the application for variation of the Premises Licence.</p> <p>The premises are located within the West End Cumulative Impact area.</p> <p>This representation is based on the plan and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none">1. To vary the layout of the first floor.2. To reduce the hours on the first floor to core hours for supply of alcohol and late night refreshment.3. To remove condition 11 and add 9 conditions regarding capacity, covers, CCTV, Pubwatch etc... <p>I wish to make the following representation</p> <ol style="list-style-type: none">1. No objection. The variation of the layout will not impact on Public Safety.2. No objection. The variation of the condition will not impact on Public Safety or Public Nuisance within the area.3. Representation is made to the removal/addition of conditions due to the likely effect of an increase in Public Nuisance within the area.	
Responsible Authority:	Licensing Authority
Representative:	Ms Daisy Gadd
Received:	19 February 2018
<p>I write in relation to the application submitted for a variation of a premises licence for Marquess of Anglesey, 39 Bow Street.</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.</p> <p>The variation application being considered seeks the following:</p> <ul style="list-style-type: none">• To vary the layout of the premises for the first floor only (changes to fixed seating and a new waiter station)• To reduce the alcohol and late night refreshment hours for the first floor only to core hours• To add conditions• To remove condition 11 and condition 12(ii) and 12(iii).	

These conditions read as the following:

Condition 11:

The supply of alcohol on the first floor of the premises shall only be to either:

- i) A person seated taking a table meal there and for consumption by such a person as ancillary to their meal, the supply of alcohol to be by waiter or waitress service or
- ii) A person attending a pre-booked private function where substantial food is available and a record including the date and name of the function is retained for a period of 31 days following the function. .

Condition 12:

- ii) First floor:
 - a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00.
 - b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 noon to 22:30
 - c) On Good Friday, 12:00 to 22:30
 - d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
 - e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
 - f) On New Year's Eve on a Sunday, 12:00 to 22:30
 - g) 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)
- iii) For the first floor only:

Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15:00 and 19:00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, PB2 and RNT2.

Currently, condition 11 permits the supply of alcohol on the first floor of the premises to persons seated taking a table meal there and for consumption by such a person as ancillary to their meal in affect restricting the trading as a 'restaurant' type style of operation.

The Licensing Authority are concerned that removing the ancillary nature to which the supply of alcohol is permitted on the first floor may lead to increased vertical drinking which the licence does not currently permit.

Point 2.4.16 of the Council's Statement of Licensing Policy states that 'The introduction of measures to reduce the extent of or remove opportunities for vertical drinking can address the underlying reasons for the special policies for cumulative impact'. It is our concern that this application will in fact increase the opportunities for vertical drinking within the Cumulative Impact Area. It is for this reason that we object to this variation application.

Further discussions will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

Further correspondence from the Applicant to the Licensing Authority

Many thanks for meeting John St John and me at the Marquess of Anglesey on Monday 5th March 2018.

You expressed policy concerns in relation to vertical drinking.

We explained to you the background to the application, that the conditions offered technically relaxing the existing restaurant restriction on the first floor provide considerably more protection than the Premises Licence had prior to 2012.

My client is prepared to offer a further condition requiring that customers are seated other than when there is a private function (which exemption, as you know, exists currently on the Premises Licence).

Even when there is a private function, all of the other conditions on the first floor, namely waiter/waitress service, minimum seats; minimum occupancy will of course all continue to apply.

My suggested wording is as follows:-

"The sale of alcohol on the first floor will only be to persons who are seated except to persons who are attending a pre-booked private function and the date and name of the function will be retained for a period of 31 days following the function and will be available for immediate inspection by the police or an authorised officer of the council."

In the circumstances, I hope this further condition satisfies your concerns.

Further correspondence from the Licensing Authority to the Applicant

Thank you for this email following our meeting.

The Licensing Authority are still concerned that there is a significant change in the style of operation at the premises to become more 'drinks led' and it is still a concern that this will add to cumulative impact in the cumulative impact area.

A further concern is that there is currently no limit on the number of pre-booked functions that occur at the premises. The Licensing Authority requests further information into the process of booking a function, and the frequency of such events.

I look forward to hearing from you.

3. Policy & Guidance

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

Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy CIP1 applies	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. 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

Report author:	Ms Shannon Pring Licensing Support Officer
Contact:	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	22 January 2018
5	Environmental Health Consultation Team	19 February 2018
6	Licensing Authority	19 February 2018

Applicant Supporting Documents

Appendix 1

There are no supporting documents from the Applicant

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06113/LIPCV	Conversion application	07/09/2005	Deemed Decision under Licensing Act S8
06/04135/LIPV	Variation application to vary: <ul style="list-style-type: none"> • Remove the requirement to provide table meals to customers during the final permitted hour (condition 5). • Allow provision of facilities for dancing. • Be able to provide late night refreshment downstairs. • Allow the sale of alcohol Monday to Saturday. 	06/07/2006	Granted under delegated authority
06/08008/LIPDPS	Application for variation of DPS	01/09/2006	Granted under delegated authority
11/10178/LIPVM	Minor variation application to vary the layout of the premises in accordance with plans supplied by the applicant.	04/11/2011	Granted under delegated authority
12/01408/LIPV	Variation application to vary the layout of the premises in accordance with plans supplied by the applicant for the first and second floor only.	02/10/2017	Granted under delegated authority
17/10977/LIPDPS	Application for variation of DPS	26/10/2017	Granted under delegated authority

18/00719/LIPV	Current variation application		
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There is no appeal history

Temporary Event Notice History

Application	Date Determined	Decision
18/00538/LITENP	23/01/2018	Notice granted
18/00537/LITENP	23/01/2018	Notice granted
18/00536/LITENP	23/01/2018	Notice granted
18/00534/LITENP	24/01/2018	Notice granted
18/00533/LITENP	23/01/2018	Notice granted
17/14016/LITENP	07/02/2018	Notice granted
17/14014/LITENP	07/12/2017	Notice granted
15/07328/LITENP	03/11/2015	Notice granted
11/11143/LITENP	14/11/2011	Notice granted
11/11140/LITENP	14/11/2011	Notice granted
11/11137/LITENP	14/11/2011	Notice granted
10/06918/LITENP	10/09/2010	Notice granted

Appendix 3

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

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

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

11. The supply of alcohol on the first floor of the premises shall only be to either:

- i) a person seated taking a table meal there and for consumption by such a person as ancillary to their meal, the supply of alcohol to be by waiter or waitress service or
- ii) a person attending a pre-booked private function where substantial food is available and a record including the date and name of the function is retained for a period of 31 days following the function.

Proposed amendment is to remove Condition 11 i) and ii)

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

12. Alcohol may be sold or supplied:

(i) Ground Floor:

- (a) On Monday to Thursday 10:00 to 23:30; Friday to Saturday 10:00 to 00:00 and Sunday 12:00 to 22:30.
- (b) 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, midnight on 31st December).

Proposed amendment is to remove Condition 12 ii) and iii)

(ii) First Floor:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.

- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) 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).

(iii) For the First Floor only:

Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

For the First Floor only:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

For the Ground and First Floors:

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

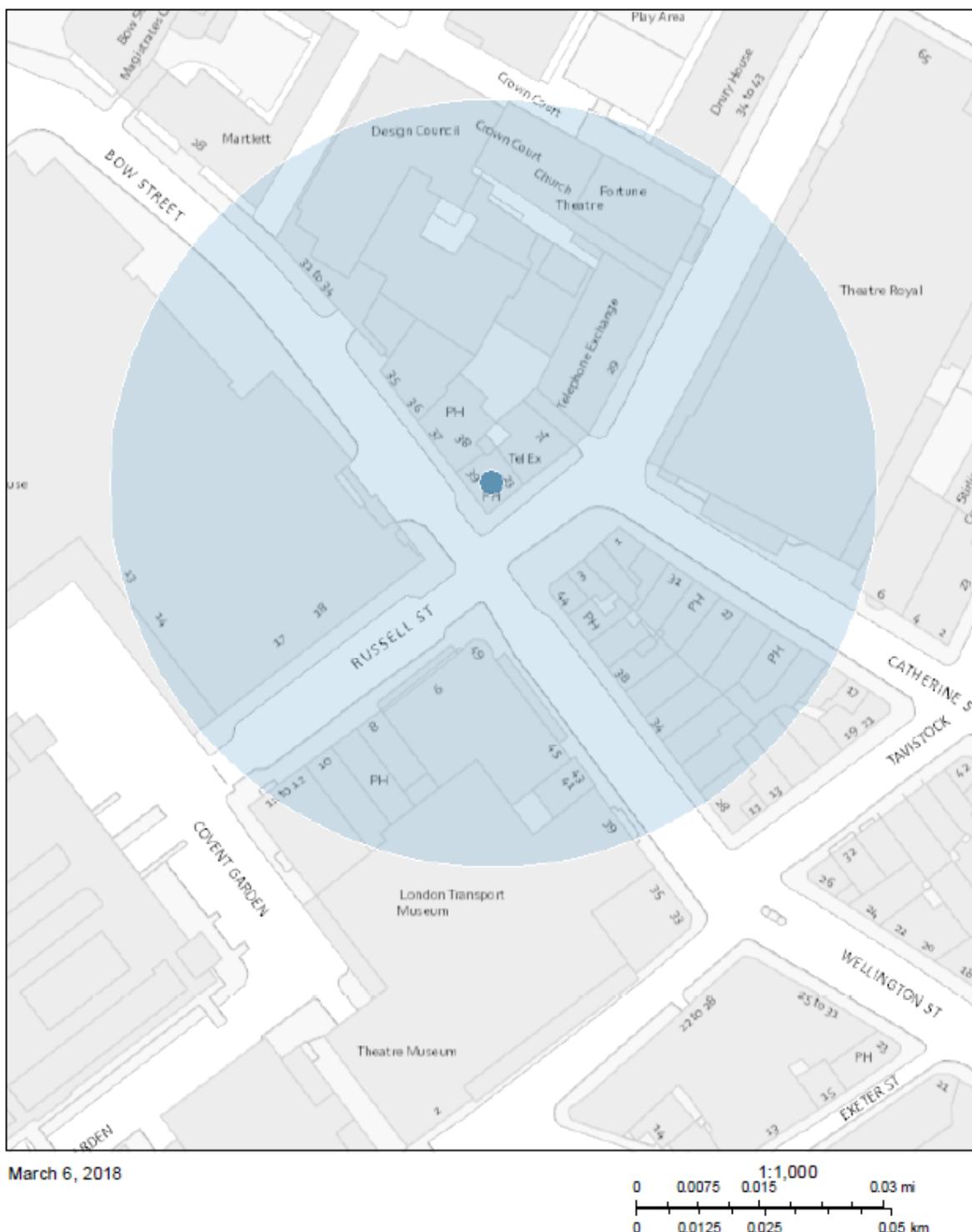
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge 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.

Conditions proposed by the Applicant:

13. The sale of alcohol on the first floor shall be by waiter/waitress service.
14. The number of persons permitted on the first floor of the premises at any one time (excluding staff) shall not exceed 100 persons.
15. Substantial food and non-intoxicating beverages, including drinking water, shall be available on the first floor where alcohol is sold or supplied for consumption on the premises.
16. A minimum of 65 covers shall always be provided on the first floor.
17. 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.
18. 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 preceding 31 day period.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any visit by a relevant authority or emergency service.
21. The premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
22. The sale of alcohol on the first floor will only be to persons who are seated except to persons who are attending a pre-booked private function and the date and name of the function will be retained for a period of 31 days following the function and will be available for immediate inspection by the police or an authorised officer of the council.

Marquess of Anglesey - 39 Bow Street

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Resident count: 54

DISTANCE	OBJEC TID	LicenceNumbe r	TradingNa me	Address	PremisesT ype	TimePer iod	TimePeriodHT ML
1.348439 502	31093	16/12836/LIPC H	Be At One	23-24 Russell Street London WC2B 5HF	Night clubs and discos	Monday to Saturda y; 09:00 - 03:30 Sunday; 09:00 - 03:00	Monday to Saturday; 09:00 - 03:30 Sun day; 09:00 - 03:00
1.348439 502	61154	17/10977/LIPD PS	Marquess Of Anglesey	39 Bow Street London WC2E 7AU	Pub or pub restaurant with lodge	Monday to Thursda y; 10:00 - 23:30 Monday to Saturda y; 10:00 - 00:30 Friday to Saturda y; 10:00 - 00:00 Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00	Monday to Thursday; 10:00 - 23:30 Mo nday to Saturday; 10:00 - 00:30 Frid ay to Saturday; 10:00 - 00:00 Sun day; 12:00 - 00:00 Sun day; 12:00 - 23:00

21.47074 497	38675	16/10041/LIPC HT	The Covent Garden Public House	37 Bow Street London WC2E 7AU	Public house or pub restaurant	Monday to Thursda y; 10:00 - 00:00 Monday to Saturda y; 10:00 - 00:30 Friday to Saturda y; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00	Monday to Thursday; 10:00 - 00:00 Mo nday to Saturday; 10:00 - 00:30 Frid ay to Saturday; 10:00 - 00:30 Sun day; 12:00 - 23:00 Sun day; 12:00 - 00:00
27.28681 916	2755	12/06145/LIPV	Wildwood	35 - 36 Bow Street London WC2E 7AU	Restauran t	Monday to Sunday; 12:00 - 00:30	Monday to Sunday; 12:00 - 00:30
30.83425 017	55487	17/05213/LIPD PS	Gelatorin o	Baseme nt And Ground Floor 2 Russell Street London WC2B 5JD	Cafe	Monday to Thursda y; 10:00 - 23:30 Friday to Saturda y; 10:00 - 00:00 Sunday; 12:00 - 22:30	Monday to Thursday; 10:00 - 23:30 Frid ay to Saturday; 10:00 - 00:00 Sun day; 12:00 - 22:30

34.30861 299	67419	06/07442/WCC MAP	Coach & Horses Public House	42 Wellingt on Street London WC2E 7BD	Pub or pub restaurant with lodge	Monday to Thursda y; 10:00 - 23:30 Friday to Saturda y; 10:00 - 00:00 Sunday; 12:00 - 23:00	Monday to Thursday; 10:00 - 23:30 Frid ay to Saturday; 10:00 - 00:00 Sun day; 12:00 - 23:00
36.13618 728	37714	13/03508/LIPV M	Augustus Harris	33 Catherin e Street London WC2B 5JT	Cafe	Monday to Thursda y; 10:00 - 23:30 Friday to Saturda y; 10:00 - 00:00 Sunday; 12:00 - 22:30	Monday to Thursday; 10:00 - 23:30 Frid ay to Saturday; 10:00 - 00:00 Sun day; 12:00 - 22:30
39.30628 328	38597	15/04732/LIPD PS	Boulevard Brasserie	40 Wellingt on Street London WC2E 7BD	Restauran t	Monday to Saturda y; 10:00 - 01:00 Sunday; 10:00 - 00:00	Monday to Saturday; 10:00 - 01:00 Sun day; 10:00 - 00:00
39.38611 203	31079	10/10300/LIPD PS	Sagar Restauran t	31 Catherin e Street London WC2B 5JS	Restauran t	Monday to Saturda y; 10:00 - 00:30 Sunday; 12:00 - 00:00	Monday to Saturday; 10:00 - 00:30 Sun day; 12:00 - 00:00

41.27932 699	73055	13/04527/LIPD PS	Balthazar	6 Russell Street London WC2B 5HZ	Restauran t	Monday to Thursda y; 07:00 - 00:30 Friday to Saturda y; 08:00 - 01:00 Sunday; 08:00 - 23:30	Monday to Thursday; 07:00 - 00:30 Frid ay to Saturday; 08:00 - 01:00 Sun day; 08:00 - 23:30
45.83368 882	31067	06/03226/WCC MAP	Nell Of Old Drury	29 Catherin e Street London WC2B 5JS	Pub or pub restaurant with lodge	Monday to Sunday; 10:00 - 00:30	Monday to Sunday; 10:00 - 00:30
51.12765 957	49189	15/02527/LIPD PS	On The Bab Covent Garden	Concessi on 36 Wellingt on Street 	Cafe	Monday to Saturda y; 08:00 - 23:00 Sunday; 10:00 - 22:30	Monday to Saturday; 08:00 - 23:00 Sun day; 10:00 - 22:30
53.83676 373	37689	16/00554/LIPD PS	Eat Tokyo	27 Catherin e Street London WC2B 5JS	Restauran t	Monday to Sunday; 11:00 - 00:00	Monday to Sunday; 11:00 - 00:00

58.25120 658	72924	17/02624/LIPD PS	Bodean's BBQ	Baseme nt And Ground Floor 25 Catherin e Street London WC2B 5JS	Restauran t	Monday to Saturda y; 10:00 - 23:30 Monday to Saturda y; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00	Monday to Saturday; 10:00 - 23:30 Mo nday to Saturday; 10:00 - 00:30 Sun day; 12:00 - 23:00 Sun day; 12:00 - 00:00
58.43820 285	14780	16/06775/LIPV M	Fortune Theatre	Fortune Theatre Russell Street London WC2B 5HH	Theatre	Monday to Friday; 09:00 - 04:00 Saturda y to Sunday; 09:00 - 00:00	Monday to Friday; 09:00 - 04:00 Satu rday to Sunday; 09:00 - 00:00
61.06738 019	37588	17/08077/LIPD PS	Red Farm	9 Russell Street London WC2B 5HZ	Wine bar	Monday to Sunday; 09:00 - 00:30	Monday to Sunday; 09:00 - 00:30
63.09211 713	38798	17/08517/LIPD PS	Cafe Rouge	32-34 Wellingt on Street London WC2E 7BD	Restauran t	Monday to Saturda y; 10:00 - 00:30 Sunday; 12:00 - 00:00	Monday to Saturday; 10:00 - 00:30 Sun day; 12:00 - 00:00

64.06613 924	37309	17/11975/LIPD PS	Opera Tavern	23 Catherin e Street London WC2B 5JS	Public house or pub restaurant	Monday to Saturda y; 10:00 - 01:00 Sunday; 12:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays ; 12:00 - 00:00	Monday to Saturday; 10:00 - 01:00 Sun day; 12:00 - 00:00 Sun day; 12:00 - 22:30 Sun days before Bank Holidays; 12:00 - 00:00
68.89607 312	20576	17/14748/LIPD PS	San Carlo Cicchetti	Ground Floor 30 Wellingt on Street London WC2E 7BD	Restauran t	Monday to Saturda y; 08:00 - 01:30 Sunday; 08:00 - 00:00	Monday to Saturday; 08:00 - 01:30 Sun day; 08:00 - 00:00
74.59199 444	81702	17/00854/LIPV M	Little Water	19 Catherin e Street London WC2B 5JS	Restauran t	Monday to Thursda y; 08:00 - 23:30 Friday to Saturda y; 08:00 - 00:00 Sunday; 08:00 - 22:30	Monday to Thursday; 08:00 - 23:30 Frid ay to Saturday; 08:00 - 00:00 Sun day; 08:00 - 22:30