

Licensing Sub-Committee Report

Item No:	
Date:	24 May 2018
Licensing Ref No:	18/02791/LIPN - New Premises Licence
Title of Report:	8-9 James Street Covent Garden London
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	13 March 2018		
Applicant:	Capital & Counties Cg & Cg Nominee Limited		
Premises:			
Premises address:	8-9 James Street Covent Garden London WC2E 8BH	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	<p>According to the application this is a shadow licence of the existing "Maxwell's" licence (ref: 14/08275/LIPDPS) on the same terms as currently permitted. This can be found at Appendix 6.</p> <p>The premises currently trade as a bar and grill.</p>		
Premises licence history:	The premises currently benefit from a Premises Licence and a full history can be found at Appendix 3.		
Applicant submissions:	None.		
Plan:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:	None						
Further details:	Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit is unrestricted in accordance with premises licence 14/08275/LIPDPS.						

Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		None.					
Further details:		Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit is unrestricted in accordance with premises licence 14/08275/LIPDPS.					

Performance of dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		None.					
Further details:		Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit is unrestricted in accordance with premises licence 14/08275/LIPDPS.					

Anything of a similar description to that falling within (e), (f) or (g):				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		None.					
Further details:		Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit is unrestricted in accordance with premises licence 14/08275/LIPDPS.					

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve until 05:00 on New Year's Day.					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Toby Janes
Received:	7 th April 2018
<p>Application 18/02791/LIPN - Maxwell's, 8-9 James St, WC2</p> <p>With reference to the above application, 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>I will be in touch shortly to discuss this application in more detail.</p>	

Responsible Authority:	Licensing Authority
Representative:	Daisy Gadd
Received:	6 th April 2018

Dear Sirs

I write in relation to the application submitted for a New Premises Licence for Maxwells, situated at 8-9 James Street.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks to permit the following licensable activities:

- Live music: unrestricted
- Recorded music: unrestricted
- Performance of dance: unrestricted
- Anything a similar description to that of the above: unrestricted
- Late night refreshment: Monday to Saturday from 23:00 to 01:30 and Sunday from 23:00 to 01:00
- Supply of alcohol: Monday to Saturday from 08:00 to 01:00 and Sunday from 08:00 to 00:30.

The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1, PB2 and MD2.

The Licensing Authority notes that this application is for a 'shadow' licence of the existing Maxwell's licence 14/08275/LIPDPS. The Licensing Authority would like to note that paragraph 3.2.13 in the Council's Statement of Licensing Policy 2016 states that "The council remains concerned that the holding of additional licences has the potential to undermine the sanctions available to it in response to a review application under the Act". As a result of this, it would be useful to understand the reasons behind applying for a 'shadow' licence and the proposed use of this licence.

Further discussions will be held with the applicant and any additional submissions will be forwarded on for Member's information.

Please accept this as a formal representation.

2-B Other Persons**Received:** 23rd March 2018

To whom it concerns,

I am confused and concerned by the application form. I live on the first floor. My bedroom and my 2 year old daughters bedrooms are at the front of the property. We deal with the noise of passers by who are intoxicated on the weekends but if there are people outside constantly for the duration of this event consuming alcohol it will be unbearable and my daughter will not get any sleep. Furthermore my husband is a national train driver and therefore works difficult hours. His schedule is not confirmed for the proposed dates and therefore may be significantly disturbed by the event and this could be a safety concern for his job and responsibilities of ensuring safe travel for the passengers on his train. I strongly object and encourage the council to move them to a less residentially populated area like the market square, not outside our bedroom windows.

Thank you for your consideration

To add to my previous comment as I had another read over the application form. I understand they are planning on playing Music downstairs in sketchers until 1am. We complain and request them to turn their shop music during the day. We can hear the music blasting through our very thin floor boards during the day and it is most loud in the bedrooms and living room. Aside from this as part of our Muslim faith we do not and are not permitted to listen to music so we feel this would be an unreasonable and unnecessary oppression on our freedom to practice our religion and would feel closer to torture. We will not be going out for New Years evening as We ended up driving for 3 hours trying to get close enough to our home to park this year.

Received: 23rd March 2018

My objection to the license application is based on the fact that this business (Sketchers) has many stores throughout the UK and should only acquire such licences where there are no residents living above their stores. We the residents do not have any other options as we live above and already have to endure loud music all day from 9 to 9 pm without to mention the 06:30 am deliveries 4-5 times a week. I Support local business and wish prosperity to all but not at the cost of our well being. Please take into account that the store is directly above 2 apartment blocks and some families have children who may not even get the opportunity to respond to this licence application.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<ul style="list-style-type: none"> (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 MD2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
Policy CIA1 applies	<ul style="list-style-type: none"> (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
Appendix 5	Maxwell Licence 14/08275/LIPDPS

Report author:	Miss Sam Eaton Senior Licensing Officer
Contact:	Telephone: 020 7641 2700 Email: seaton@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	April 2018
4	Metropolitan Police Service	7 th April 2018
5	Licensing Service	6 th April 2018
6	Representation	23 rd March 2018
7	Representation	23 rd March 2018

Applicant Supporting Documents

None.

Premises History

Application	Details of Application	Decision	Date Determined
05/06350/LIPCV	Conversion Application	Granted by Licensing Sub-Committee	14.09.2005
06/09051/WCCMAP	New Premises Application	Granted by Licensing Sub-Committee	29.04.2007
07/11180/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	24.01.2008
09/06811/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	07.12.2009
11/06629/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	15.08.2011
14/08275/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	28.10.2014
18/03990/LIPT	Transfer Application	Invalid Application	18.04.2018

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
10. The terminal hour for Late Night Refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
11. The permitted hours for sale and supply of alcohol is:
 - a) Monday to Saturday 08:00 to 01:00
 - b) Sunday 08:00 to 00:30
 - c) 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).

SUBJECT to the following conditions:

- i. between 08:00 to 10:00 the provision of alcohol shall be substantially for customers consuming food.
 - ii. the consumption of alcohol after 23:00 on any day shall be substantially ancillary to the provision to customers of a table meal. In this context at least two thirds of all customers shall have taken table meals and ancillary in this context shall have the same meaning it and for the purpose of sections 68 and 69 of the Licensing Act 1964.
12. Children are to be seated away from the bar.
 13. The premises are allowed to extend the hours for the sale of alcohol to such time as agreed with the Police for the provision of licensable activities on no more than 15 occasions per calendar year and following ten working days' notice to be given to the Licensing Authority [or such lesser time as may be agreed with the Police]. The Police to have the power of veto to such applications.

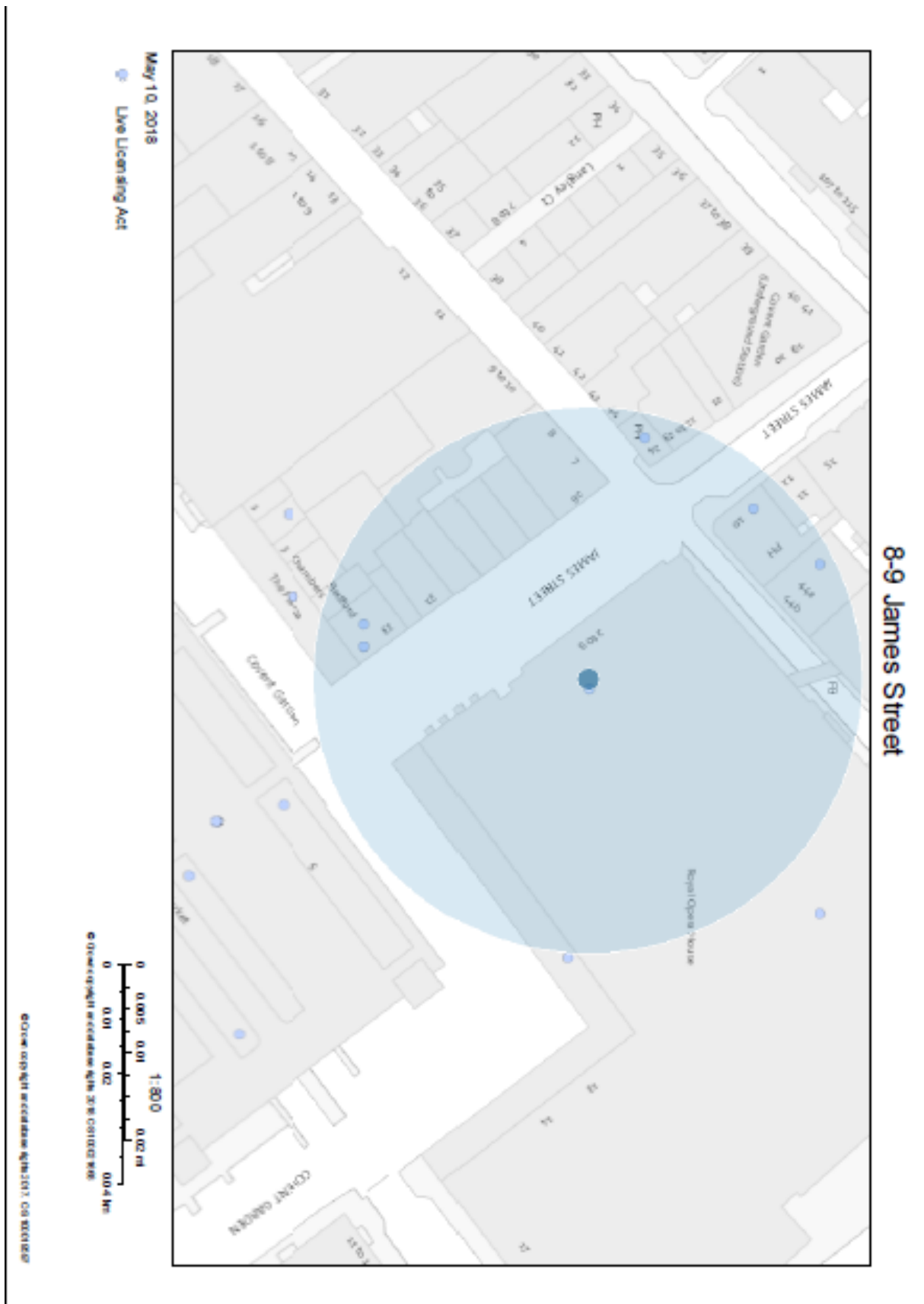
Conditions proposed by the Police

None.

Conditions proposed by the Licensing Authority

None.

Residential Map and List of Premises in the Vicinity



Resident count: 107

Premises within 50 metres of: 8-9 James Street

p / n	Name of Premises	Premises Address	Licensed Hours
62379	Maxwell's Restaurant	8-9 James Street Covent Garden London WC2E 8BH	Monday to Saturday; 08:00 - 01:30 Sunday; 08:00 - 01:00
82125	Sushi Samba	7 The Piazza Covent Garden London WC2E 8HD	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
82110	Harrods Pop Up Store	7 The Piazza Covent Garden London WC2E 8HD	Monday to Sunday; 09:00 - 20:30
53120	The Rock Garden And Gardening Club	6 - 7 The Piazza Covent Garden London WC2E 8HB	Monday to Sunday; 09:00 - 06:00
13073	The Nag's Head	10 James Street Covent Garden London WC2E 8BT	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00 Christmas Eve; 08:00 - 01:00
550	The White Lion	24 James Street Covent Garden London WC2E 8NS	Monday to Thursday; 08:00 - 23:30 Monday to Saturday; 08:00 - 00:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00 Sunday; 08:00 - 00:00 Sundays before Bank Holidays; 08:00 - 00:00
13339	Busaba	44A - 44B Floral Street London WC2E 9DA	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

History Maxwell Licence



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part AWARD: St James's
UPRN: 010033548216

Premises licence

Regulation 33, 34

Premises licence number:

14/08275/LIPDPS

Original Reference:

05/06350/LIPCV

Part 1 – Premises details

Postal address of premises:

Maxwell's Restaurant
8-9 James Street
Covent Garden
London
WC2E 8BH

Telephone Number: 0207 379 6189

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music Unrestricted

Late Night Refreshment

Monday to Saturday: 23:00 to 01:30
Sunday: 23:00 to 01:00

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

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 01:00 (08:00 to 10:00 subject to condition 11)
Sunday: 08:00 to 00:30 (08:00 to 10:00 subject to condition 11)

For times authorised for New Year see conditions at Annex 1&3

The opening hours of the premises:

Monday to Saturday: 08:00 to 01:30
Sunday: 08:00 to 01:00

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

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

Part 2

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

Maxwell's Restaurant Ltd
22 Henrietta Street
Covent Garden
London
WC2E 8ND
Telephone Number : 0207 379 6132

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

1038660

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

Name: Mr Christian Southcott

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: 11/00454/LAPER
Licensing Authority: London Borough Of Newham

Date: 28th October 2014

Signed: pp
Operational Director - Premises Management

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.

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Conditions related to the Sale of Alcohol

9. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

Conditions which reproduce the effect of any restrictions imposed on the premises by specified enactments

10. The terminal hour for Late Night Refreshment on New Years Eve is extended to 05:00 on New Years Day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. The permitted hours for sale and supply of alcohol is:

- (a) Monday to Saturday 08:00 to 01:00
- (b) Sunday 08:00 to 00:30
- (d) 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).

SUBJECT to the following conditions:

- (i) between 08:00 to 10:00 the provision of alcohol shall be substantially for customers consuming food.
 - (ii) the consumption of alcohol after 23:00 on any day shall be substantially ancillary to the provision to customers of a table meal. In this context at least two thirds of all customers shall have taken table meals and ancillary in this context shall have the same meaning it and for the purpose of sections 68 and 69 of the Licensing Act 1964.
12. Children are to be seated away from the bar.
13. The premises are allowed to extend the hours for the sale of alcohol to such time as agreed with the Police for the provision of licensable activities on no more than 15 occasions per calendar year and following ten working days notice to be given to the Licensing Authority [or such lesser time as may be agreed with the Police]. The Police to have the power of veto to such applications.

Annex 4 – Plans



Schedule 12
Part B

WARD: St James's
UPRN: 010033548216

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

14/08275/LIPDPS

Part 1 – Premises details

Postal address of premises:

Maxwell's Restaurant
8-9 James Street
Covent Garden
London
WC2E 8BH

Telephone Number: 0207 379 6189

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 01:30
Sunday: 23:00 to 01:00

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

Sale by Retail of Alcohol
Monday to Saturday: 08:00 to 01:00 (08:00 to 10:00 subject to condition 11)
Sunday: 08:00 to 00:30 (08:00 to 10:00 subject to condition 11)

For times authorised for New Year see conditions at Annex 1&3

The opening hours of the premises:

Monday to Saturday: 08:00 to 01:30
Sunday: 08:00 to 01:00

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

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

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

Maxwell's Restaurant Ltd
22 Henrietta Street
Covent Garden
London
WC2E 8ND

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

1038660

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

Name: Mr Christian Southcott

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

Restricted

Date: 28th October 2014

Signed: pp
Operational Director - Premises Management