



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	6 September 2018
Licensing Ref No:	18/08051/LIPN - New Premises Licence
Title of Report:	Duke of Wellington 94A Crawford Street London W1H 2HQ
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	10 July 2018		
<b>Applicant:</b>	Sigma W1 Limited		
<b>Premises:</b>	Duke of Wellington		
<b>Premises address:</b>	94A Crawford Street London W1H 2HQ	<b>Ward:</b>	Bryanston & Dorset
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The application form describes the premises as a Public House.		
<b>Premises licence history:</b>	This is a new premises licence application however there is a previous Premises Licence (16/01312/LIPVM) which was surrendered on 07 June 2016. A full licence history can be found in <b>Appendix 4</b> .		
<b>Applicant submissions:</b>	There are no submissions from the applicant		
<b>Note</b>	Application was received on the 10 <sup>th</sup> July with the last date for representations being 7 <sup>th</sup> August 2018. On the 19 <sup>th</sup> July the premises failed its notice check and as such consultation had to be re-started with the last date for representations being the 16 <sup>th</sup> August 2018.		
<b>Amendments</b>	The applicant originally applied for regulated entertainment in the form of recorded music and the exhibition of films but following discussions with Environmental Health the applicant has withdrawn these two activities from the application.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities and opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Sundays before bank holidays 12:00 to 00:00					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities and opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Sundays before bank holidays 12:00 to 00:00					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>All licensable activities and opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sundays before bank holidays 12:00 to 00:00</p>					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	31 July 2018
<p>I refer to the application for a new Premises Licence for the above mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.</p> <p><b>The applicant is seeking to:</b></p> <p><b>1. Exhibit films "Indoors" at the following times:</b></p> <p>Monday to Thursday: 10:00 – 23:30 hours  Friday to Saturday: 10:00 – 00:00 hours  Sunday: 12:00 – 22:30 hours  Sunday before bank holiday: 12:00 – 00:00 hours  Start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p><b>2. Play recorded music "Indoors" at the following times:</b></p> <p>Monday to Thursday: 10:00 – 23:30 hours  Friday to Saturday: 10:00 – 00:00 hours  Sunday: 12:00 – 22:30 hours  Sunday before bank holiday: 12:00 – 00:00 hours  Start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p><b>3. Provide late night refreshment "Indoors &amp; Outdoors" at the following times:</b></p> <p>Monday to Thursday: 23:00 – 23:30 hours  Friday to Saturday: 23:00 – 00:00 hours  Sunday before bank holiday: 23:00 – 00:00 hours  Start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p><b>4. Supply alcohol for consumption "On &amp; Off" the premises at the following times:</b></p> <p>Monday to Thursday: 10:00 – 23:30 hours  Friday to Saturday: 10:00 – 00:00 hours  Sunday: 12:00 – 22:30 hours</p>	

Sunday before bank holiday: 12:00 – 00:00 hours

Start of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day 2

**Following consideration of the application and how it may affect the Licensing Objectives and meet the requirements of the Council's Statement of Licensing Policy I wish to make the following representation:**

1. The hours requested to exhibit films may have the likely effect of increasing Public Nuisance within the area
2. The hours requested to play recorded music have the likely effect of increasing Public Nuisance within the area
3. The hours requested to provide late night refreshment may have the likely effect of increasing Public Nuisance and impact on Public Safety within the area
4. The hours requested to supply alcohol may have the likely effect of increasing Public Nuisance and impact on Public Safety within the area

This application seeks to restore premises licence ref. 16/01312/LIPVM which was surrendered on 7th June 2016. Prior to its surrender, between 16th April 2014 and 7th June 2016, residents in the vicinity had reasons to make eight complaints with respect to loud music, loud patrons and congestion of the pavement thereby impeding reasonable access.

The applicant has provided conditions in support of the application. These are being considered but they do not fully address the concerns of Environmental Health. Additional conditions may be proposed.

It is my view that there is insufficient information to address the concerns of Environmental Health and the granting of this application, as presented, would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

The following conditions have been proposed by the Environmental Health Service and agreed by the applicant:

1. The sale and supply of alcohol for consumption off the premises shall only be:
  - a) In sealed containers, and shall not be consumed on the highway immediately outside the premises; or
  - b) To persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway
2. All outside tables and chairs shall be rendered unusable by 23.00 hours each day
3. All windows and external doors 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
4. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 6 persons at any one time
5. Save for persons who are seated in an area appropriately authorised for the use of tables and chairs, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

6. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day
7. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 07.00 hours on the following day
8. No deliveries to the premises shall take place between 23.00 hours and 07.00 hours on the following day
9. 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
10. 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
11. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

***Following the agreement to the proposed conditions the Environmental Health Service have withdrawn their representation.***

<b>2-B Other Persons</b>	
<b>Representation 1</b>	
<b>Received:</b>	15 August 2018
<b>Support or Opposed</b>	Support
<p>I write on behalf of [REDACTED] (my wife) and myself, as joint owners of [REDACTED]. We are about to move back into the property after some time away. Our home will be a few doors down from the property requesting a licence.</p> <p>The closure of the previous pub on the premises in question was a huge loss to our local community. Having a functioning pub at that location is a critical part of social cohesion and community spirit in our neighbourhood.</p> <p>We understand that some residents may be objecting to the re-establishment of a pub on this premises, and we imagine that as usual, objectors would have a louder voice in such circumstances. The vast majority of residents would not even be aware of such an application. The structure and purpose of that building is obvious: it has always been a pub and is destined to play that role for the community. Having it empty and abandoned over the past years has been a sad sight and unnecessary absence from the social life of the community.</p> <p>We fully support the productive use of the abandoned property and its rightful reinstatement to the service of the community.</p>	
<b>Representation 2</b>	
<b>Received:</b>	11 August 2018
<b>Support or Opposed</b>	Opposed
<p>This representation is made by the Marylebone Association which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road and so represents the interests of those who live and work in this area.</p> <p>We are writing on behalf of the local community OBJECTING to the application by Sigma W1 Limited reference 18/08051/LIPN.</p> <p>The licensed area shown on the plans dated 10th August include part of the public footway outside the front of the building. These plans give no idea of the extent of this area. The application also makes no mention of what activities might take place outside the building. Experience suggest that even a small area of customers eating or drinking outside will generate a considerable level of noise and as this is a largely residential neighbourhood this would undoubtedly cause a public nuisance.</p> <p>We therefore believe that this application if granted as applied for may be contrary to the following Licensing Objective: The Prevention of Public Nuisance.</p>	
<b>Representation 3</b>	
<b>Received:</b>	16 August 2018
<b>Support or Opposed</b>	Opposed
1.) Prevention of public nuisance and maintenance of public safety.	

Customers of the premises must not be permitted to congregate on the public pavements outside the premises and block the passage of pedestrians and people pushing small children in buggies.

2.) Prevention of public nuisance.

Avoidance of cooking smells on the public highway

The exit of the extractor in the kitchen should be placed so as to avoid cooking smells being noticed on the public highway as was the case under the previous licence holder. Other measures considered necessary should be taken to avoid cooking smells being noticed on the public highway.

9:43 AM on 09 Aug 2018 Introduction

Sigma W1 Ltd was registered at Companies House in Cardiff by Mr Sotiris Sotikaris on 2nd May 2018 with a capital of £500.

No indication has been given as to the business relationship, if any, between Sigma W1 Ltd and the owner of the building at 94A Crawford Street.

No reference has been made as to who is the owner of 94A Crawford Street.

This building is reported to have been sold, after its closure 2 years ago, for £4 million.

Is the present owner the person who bought the premises then or someone else?

It is reported that the non domestic rateable value of these premises is £149,000.00.

Comments on the Conditions for the Duke of Wellington

1.) The plans submitted with the application give no indication what the the ground floor and floors 1 & 2 as well as some of the basement will be used for.

2.) Toilets in the basement: there should be at least 3 toilets for the ladies.

3.) If there is to be a kitchen the exit of the extractor fan must be at or above roof level.

Windows from the kitchen should not open to the streets on the north, front side, and west side of the building.

4.) Reference item 11 of the conditions. Pub customers should not congregate on the public pavement impeding the passage of pedestrians and women with small children in buggies.

5.) Reference item 13. We fail to understand why, if the applicant is proposing to run a Public House, he requires a minimum age limit of 21. (See item 6.) below)

6.) With reference to note 14 and the premises operating under the provisions of a Sexual Entertainment Licence. Marylebone is NOT Soho. The premises at 94A Crawford Street should never, be granted a licence for any performance of this kind.

None of the above information, and also lack of, is sufficient to justify granting a licence to Sigma W1 Ltd to operate the business activities for which it has applied at 94A Crawford Street.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p>
<b>Policy PB1 applies</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Premises Licence - 16/01312/LIPVM (Surrendered)
<b>Appendix 3</b>	Applicant supporting documents
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service	31 July 2018
<b>5</b>	Resident representation 1 (Support)	15 August 2018
<b>6</b>	Resident representation 2 (Opposed)	11 August 2018
<b>7</b>	Resident representation 3 (Opposed)	16 August 2018



**Premises Licence:**

Reference 16/01312/LIPVM (Surrendered)



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

Schedule 12  
Part A

**WARD: Bryanston And  
Dorset Square  
UPRN: 100022739386**

**Premises licence**

Regulation 33, 34

**Premises licence number:**

16/01312/LIPVM

**Original Reference:**

05/04710/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

Duke Of Wellington Public House  
94A Crawford Street  
London  
W1H 2HQ

**Telephone Number:** 0207 723 2790

**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 23:30

**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 Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Sundays before Bank Holidays: 12:00 to 00:00

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

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:50
Sundays before Bank Holidays:	12:00 to 00:00

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

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

**Part 2**

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

SLJ Associates Limited  
30 Kenton Avenue  
Middlesex  
UB1 3QG

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

06916603

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

**Name:** Julie Lempriere

*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:** 604456  
**Licensing Authority:** London Borough Of Brent

**Date:** 25 February 2016

This licence has been authorised by Mr Ola Owojori 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.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment**

9. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
- In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.
10. The terminal hour for late night refreshment on New Year's Eve is extended to 05.00 on New Year's Day.



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

None

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

11. Alcohol may be sold or supplied:

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

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

12. All of the times above are inclusive of drinking up time, and customers should be off the premises by these times, save for regular Sunday nights where customers are to be off the premises by 22:50 (midnight on Sundays immediately prior to Bank Holidays).

**Annex 4 – Plans**

Attached



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

Schedule 12  
Part B

Premises licence  
summary

WARD: Bryanston And  
Dorset Square  
UPRN: 100022739386

Regulation 33, 34

Premises licence number:

16/01312/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

Duke Of Wellington Public House  
94A Crawford Street  
London  
W1H 2HQ

**Telephone Number:** 0207 723 2790

**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 23:30

**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 Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Sundays before Bank Holidays: 12:00 to 00:00

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

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:50
Sundays before Bank Holidays:	12:00 to 00:00

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

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

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

SLJ Associates Limited  
30 Kenton Avenue  
Middlesex  
UB1 3QG

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

06916603

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

**Name:** Julie Lempriere

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

Restricted

**Date:** 25 February 2016

**This licence has been authorised by Mr Ola Owojori on behalf of the Director - Public Protection and Licensing.**

There are no supporting documents from the Applicant.

## Premises History

## Appendix 4

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
05/04710/LIPCV	Conversion and variation application	27.07.2005	Conversion Granted on 06.02.2006 Variation rejected.
07/07898/LIPDPS	Application to vary the Designated Premises Supervisor	21.09.2007	Granted under delegated authority.
07/09869/LIPDPS	Application to vary the Designated Premises Supervisor	01.11.2007	Granted under delegated authority.
07/01461/WCCMAP	Master Licence	01.11.2007	Granted under delegated authority.
09/09645/LIPDPS	Application to vary the Designated Premises Supervisor	17.03.2010	Granted under delegated authority.
10/03209/LIPDPS	Application to vary the Designated Premises Supervisor	07.07.2010	Granted under delegated authority.
14/01526/LIPT	Application to transfer the premises licence	17.03.2014	Granted under delegated authority.
14/01536/LIGPN	Application for a New Gambling Permit	29.05.2014	Granted under delegated authority.
16/00147/LIPT	Application to transfer the premises licence	25.02.2016	Granted under delegated authority.
16/01312/LIPVM	Application for a minor variation	25.02.2016	Granted under delegated authority.  <b>Licence surrendered on 07.06.2016</b>

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

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

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

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

### Mandatory Conditions

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



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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## Conditions consistent with the operating schedule

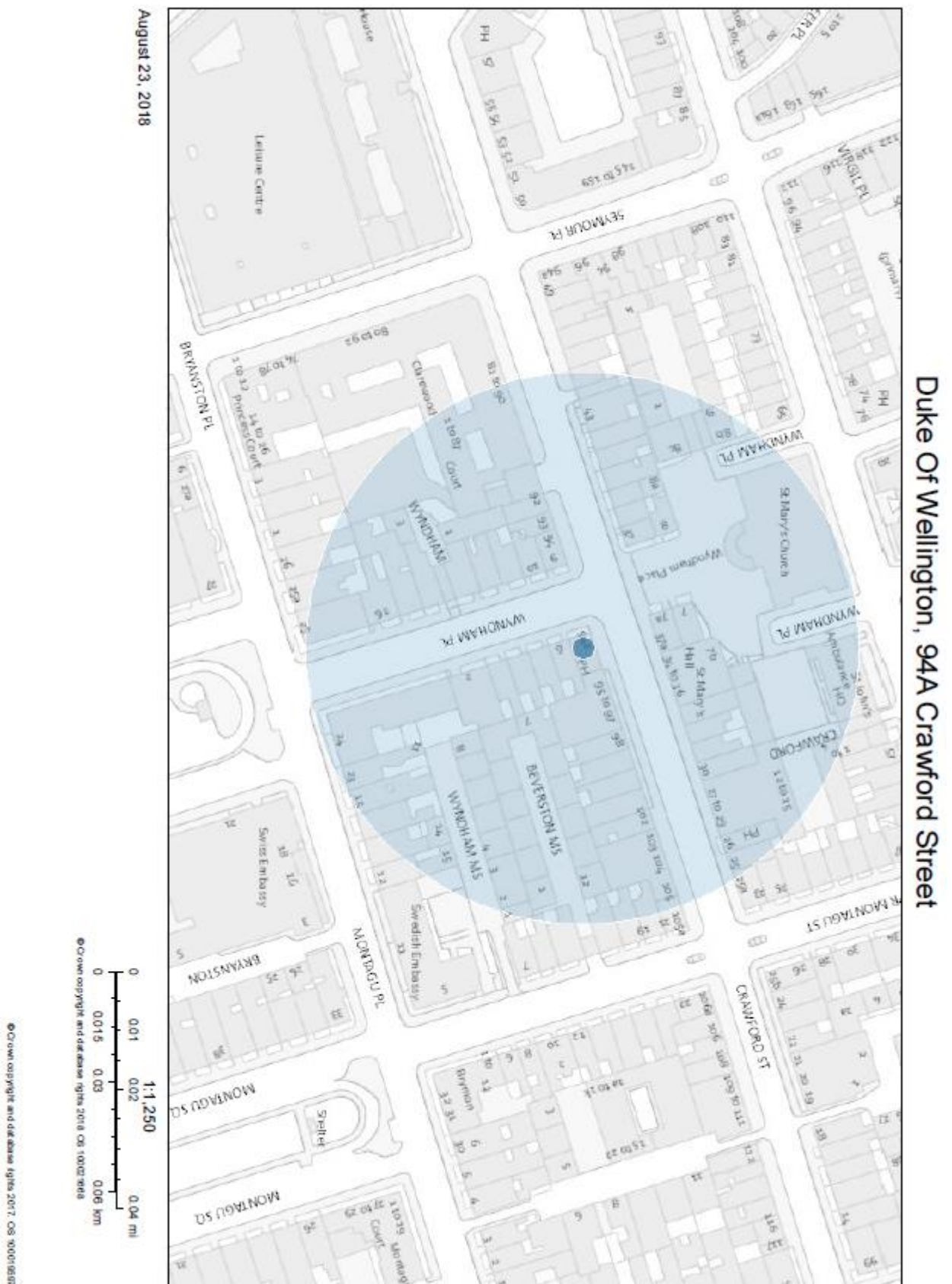
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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.
10. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. 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 refusal of sale of alcohol.
12. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours
13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. There shall be no cinema style showing of films.  
***(proposed for deletion following the withdrawal of exhibition of films)***
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
16. 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.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
11. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
12. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

13. A challenge 21 proof of age scheme shall be operated at the premise 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.
14. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
15. The licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.
16. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**Conditions proposed by Environmental Health and agreed with the applicant:**

17. The sale and supply of alcohol for consumption off the premises shall only be:
  - c) In sealed containers, and shall not be consumed on the highway immediately outside the premises; or
  - d) To persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway
18. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
19. All windows and external doors 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
20. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 6 persons at any one time.
21. Save for persons who are seated in an area appropriately authorised for the use of tables and chairs, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 07.00 hours on the following day.
24. No deliveries to the premises shall take place between 23.00 hours and 07.00 hours on the following day.
25. 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.

26. 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.
27. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.



Resident count: 339

<b>Premises within 75 metres of: Duke of Wellington, 94a Crawford Street</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
17/14687/LIPN	Boxcar Butchers Limited	7A Wyndham Place London W1H 1PN	Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00   Sunday; 09:00 - 22:30
15/10139/LIPV	Totally Swedish	Ground 32 Crawford Street London W1H 1LN	Monday to Tuesday; 10:00 - 18:00   Wednesday; 12:00 - 18:00   Thursday; 10:00 - 20:00   Friday to Saturday; 10:00 - 18:00   Sunday; 12:00 - 16:00
16/09201/LIPDPS	Majestic Wine Warehouse	103-105 Crawford Street London W1H 2HS	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
14/06978/LIPDPS	(Restaurant)	Basement And Ground 42 Crawford Street London W1H 1JX	Monday to Saturday; 09:00 - 00:30   Sunday; 09:00 - 00:00
15/01453/LIPDPS	Two Point Bar & Kitchen	26 Crawford Street London W1H 1LL	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00