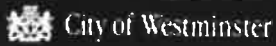


Application for a 'shadow licence' of Gazelle, 48 Albemarle Street, on exactly the same terms as licence no. 17/07479/LIPN (attached)

Please use plans attached to licence number 17/07479/LIPN for the purposes of this application

Michelle Sullivan

From: Ryan Peermamode
Sent: 21 March 2019 11:29
To: Alun Thomas
Subject: 19/00705/LIPN | Premises Licence - New | Open for Consultation | 48 Albemarle Street London W1S 4JP



Home > Planning

Search planning applications and decisions

[Search](#) [My Profile](#) [Login](#) [Register](#)

[Apply Online](#)

Licensing – Licensing Application Documents

[Help with this page](#)

19/00705/LIPN | Premises Licence - New | Open for Consultation | 48 Albemarle Street London W1S 4JP

[Back to search results](#)

[Track](#) [Print](#)

[Details](#) [Comments \(0\)](#) [Documents \(5\)](#) [Related items \(1\)](#) [Map](#)

Filter By: [Document Type](#) [Show All](#) [Apply](#)

You can select up to 25 documents to download in one archive file at a time.

| | Date Published | Document Type | Description | View |
|--------------------------|----------------|------------------|----------------------|------|
| <input type="checkbox"/> | 21 Jan 2019 | Plans | PLANS | |
| <input type="checkbox"/> | 21 Jan 2019 | Other | SITE NOTICE | |
| <input type="checkbox"/> | 18 Jan 2019 | Application Form | APPLICATION FORM | |
| <input type="checkbox"/> | 18 Jan 2019 | Other | PREMISES LICENCE POP | |
| <input type="checkbox"/> | 01 Jan 1900 | Photo | NOTICE CHECK | |

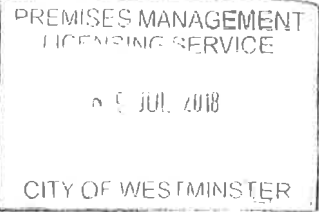
[Download Selected Files](#)

[idax](#)

[Disclaimer](#) [Privacy](#) [Freedom of Information](#)

City of Westminster

© Westminster City Council



**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We The Flying Pie Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

| | | | |
|--|--------|-----------------|----------|
| Postal address of premises or, if none, ordnance survey map reference or description Flying Pie Ground Floor 10 New Row | | | |
| Post town | London | Postcode | WC2N 4LH |

| | |
|---|------------------|
| Telephone number at premises (if any) | n/a |
| Non-domestic rateable value of premises | £70,500 (Band C) |

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate Please tick as

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|--|------------------------------|-------------------------------|-----------------------------|--------------------------------|-----------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth over | | I am 18 years old or | | <input type="checkbox"/> | Please tick yes |
| Nationality | | | | | |
| Current residential address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|--|------------------------------|-------------------------------|-----------------------------|--------------------------------|-----------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth over | | I am 18 years old or | | <input type="checkbox"/> | Please tick yes |
| Nationality | | | | | |
| Current residential address if different from premises address | | | | | |
| Post town | | Postcode | | | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|---|
| Name The Flying Pie Limited |
| Address 33 Court Way Twickenham TW2 7SA |
| Registered number (where applicable) 10830314 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Company |
| Telephone number (if any) n/a |
| E-mail address (optional) n/a |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|------|
| DD | MM | YYYY |
| A | S | A P |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| | | |
|----|----|------|
| DD | MM | YYYY |
| | | |

Please give a general description of the premises (please read guidance note 1)
Restaurant.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

| |
|-----|
| n/a |
|-----|

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 7) | | | <u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 5) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

B

| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | | | |
| | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6) |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

D

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | | | | | |
| | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) | | |
| Tue | | | | | |
| | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |

E

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | | | |
| | | | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take <u>place indoors or outdoors or both –</u> <u>please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

H

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| <p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p> | | | <p>Please give a description of the type of entertainment you will be providing</p> | | |
| Day | Start | Finish | <p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p> | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <p><u>Please give further details here</u> (please read guidance note 4)</p> | | |
| Wed | | | | | |
| Thur | | | <p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p> | | |
| Fri | | | | | |
| Sat | | | <p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p> | | |
| Sun | | | | | |

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|---|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 23:00 | 23:30 | Please give further details here (please read guidance note 4) Hot food or drink after 23:00h | | |
| | | | | | |
| Tue | 23:00 | 23:30 | | | |
| | | | | | |
| Wed | 23:00 | 23:30 | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | | |
| | | | | | |
| Thur | 23:00 | 23:30 | | | |
| | | | | | |
| Fri | 23:00 | 23:30 | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. From 23:00h until 23:30h on any Bank Holiday Sunday. | | |
| Sat | 23:00 | 23:30 | | | |
| Sun | | | | | |

J

| | | | | | |
|---|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | |
| Mon | 10:00 | 23:00 | | | |
| Tue | 10:00 | 23:00 | | | |
| Wed | 10:00 | 23:00 | | | |
| Thur | 10:00 | 23:00 | | | |
| Fri | 10:00 | 23:00 | | | |
| Sat | 10:00 | 23:00 | | | |
| Sun | 12:00 | 22:30 | | | |
| | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. Until 23:00h on any Bank Holiday Sunday. | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|--|--|
| Name TBC – Operator to undertake personal licence application process (see covering letter of application). | |
| Date of birth | |
| Address | |
| Postcode | |
| Personal licence number (if known) | |

Issuing licensing authority (if known)

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

| | | | |
|---|-------|--------|--|
| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
| Day | Start | Finish | |
| Mon | 10:00 | 23:30 | Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. Until 23:30h on any Bank Holiday Sunday. |
| | | | |
| Tue | 10:00 | 23:30 | |
| | | | |
| Wed | 10:00 | 23:30 | |
| | | | |
| Thur | 10:00 | 23:30 | |
| | | | |
| Fri | 10:00 | 23:30 | |
| | | | |
| Sat | 10:00 | 23:30 | |
| | | | |
| Sun | 12:00 | 22:30 | |
| | | | |

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.
The full menu will be available throughout the trading day (subject to a permitted wind-down period before the terminal hour of service).
The premises must operate as a restaurant as defined in the Westminster City Council Licensing Policy.
The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
Alcohol must be ancillary to substantial table meals.
The supply of alcohol shall be by waiter or waitress service only.
A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.

b) The prevention of crime and disorder

CCTV shall be in use at the premises.

(i) All entry and exit points are to be covered and must provide a clear head and shoulders view.

(ii) The CCTV system will be of a standard capable of providing images of evidential quality and capable of facial recognition in all lighting conditions.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of no less than 28 days and no more than 31 days.

(iv) The correct time and date will be generated onto both the recording and the real time image screen.

(v) The premises Licence holder shall ensure that there is at least one trained member of staff available during licensable hours to be able to retrieve CCTV images to be viewed by a police officer on request as part of an ongoing investigation into a criminal offence.

(vi) Footage shall be capable of being downloaded onto a portable device at the request of a police officer as part of an ongoing investigation into a criminal offence, to be provided at a time agreed and as permitted under data protection legislation. Any officer removing data will provide confirmation of how the data is to be used, stored and disposed of prior to removal in line with the data controller's legal obligations.

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all licensable hours.

None of the above will require the premises licence holder, DPS or other party designated by the premises licence holder or DPS to hand over or otherwise provide data in breach of data protection legislation in force in England and Wales.

Other than in the areas designated for drinking and indicated in this application, no persons shall be permitted by the designated premises supervisor or persons acting under his/hers authorization to remove alcohol from the premises in an open container. Off sales are to be taken off the area marked on the licensed plan in sealed containers only.

Crime prevention posters/material aimed at preventing theft/loss of personal possessions will be affixed/displayed in prominent positions (agreed by Both Police and Management) within the premises.

A log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request. Relevant offences will be reported to Police in good time.

Crime prevention posters/material aimed at preventing theft/loss of personal possessions will be affixed/displayed in prominent positions (agreed by Both Police and Management) within the premises.

A log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request. Relevant offences will be reported to Police in good time.

c) Public safety

Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying this application.

d) The prevention of public nuisance

A refuse store of sufficient size shall be provided

The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Suitable receptacles will be provided within this area for cigarette litter. The Premises Licence Holder or nominated person shall ensure that the smoking area is regularly cleaned to ensure that all discarded smoking litter is removed and properly disposed.

The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.

e) The protection of children from harm

All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage.

All staff training on the issue of underage sales to be documented and made available to responsible authorities upon request.

Persons under the age of 18 shall only be admitted onto the premises in the company of an adult.

A challenge 21 policy is employed whereby those who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.

The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards.

Staff will be trained in this policy and records will be kept.

There shall be no adult entertainment, services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. (paid online)
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. (submitted online – LA to distribute to RA's)
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. (see comments and covering letter of application)
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
-

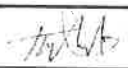
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
| Signature |  |
| Date | 14.06.18 |
| Capacity | |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|----------|--|
| Date | |
| Capacity | |

| | | | |
|--|-------------------|----------|----------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Paul Uren TLT LLP One Redcliff Street | | | |
| Post town | Bristol | Postcode | BS1 6TP |
| Telephone number (if any) | +44(0)3330 060213 | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) paul.uren@TLTsolicitors.com | | | |

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and

- (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the

UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

n 5 JUL 2017

CITY OF WESTMINSTER

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We The Gazelle Bar Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

| | | | |
|---|--------|-----------------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description 48 Albemarle Street | | | |
| Post town | LONDON | Postcode | W1S 4DH |
| Telephone number at premises (if any) | | | |
| Non-domestic rateable value of premises | | In construction | |

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/ limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|--|------------------------------|--|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| Date of birth | | I am 18 years old or over <input type="checkbox"/> | | Please tick yes | |
| Nationality | | | | | |
| Current residential address if different from premises address | | | | | |
| Post town | | Postcode | | | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|-----------------------------|------------------------------|-------------------------------|-----------------------------|--------------------------------|--|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |

| | | | |
|---|--|--|--|
| Date of birth | | I am 18 years old or over <input type="checkbox"/> Please tick yes | |
| Nationality | | | |
| Current postal address if different from premises address | | | |
| Post town | | Postcode | |
| Daytime contact telephone number | | | |
| E-mail address (optional) | | | |

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|---|
| Name The Gazelle Bar Ltd |
| Address Unit 26 Regents Studios 8 Andrews Road LONDON E8 4QN Address for correspondence: c/o Julian Skeens and/or Luke Elford TLT LLP 20 Gresham Street LONDON EC2V 7JE |
| Registered number (where applicable) 10261076 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited company |
| Telephone number (if any) c/o 0333 006 1358 |
| E-mail address (optional) c/o luke.elford@tltsolicitors.com |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|------|
| DD | MM | YYYY |
| A | S | A P |
| ± | ± | ± ± |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| | | |
|----|----|------|
| DD | MM | YYYY |
| ± | ± | ± ± |
| ± | ± | ± ± |

Please give a general description of the premises (please read guidance note 1)

High end café, restaurant and bar

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A [INTENTIONALLY BLANK]

| Plays Standard days and timings (please read guidance note 7) | | | Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | State any seasonal variations for performing plays (please read guidance note 5) | | |
| | | | | | |
| Wed | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

B

| | | | | | |
|---|--------------|---------------|---|----------|-------------------------------------|
| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | 10:00 | 23:30 | Films ancillary to the use of the premises as a high end café, restaurant and bar | | |
| Tue | 10:00 | 23:30 | | | |
| Wed | 10:00 | 23:30 | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| Thur | 10:00 | 00:00 | | | |
| Fri | 10:00 | 00:00 | | | |
| Sat | 10:00 | 00:00 | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sun | 12:00 | 23:00 | Sunday immediately before bank holidays from 12:00 to 00:00 | | |
| | | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | |
| | | | An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day. | | |

C [INTENTIONALLY BLANK]

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | Please give further details (please read guidance note 4) | |
|---|-------|--------|--|---|
| Day | Start | Finish | | |
| Mon | | | <p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)</p> | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | | |
| | | | | |
| Thur | | | | <p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p> |
| | | | | |
| Fri | | | | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

D [INTENTIONALLY BLANK]

| | | | | | | |
|--|-------|--------|---|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | | | |
| Mon | | | Please give further details here (please read guidance note 4) | | | |
| Tue | | | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) | | | |
| Thur | | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6) | | | |
| Sat | | | | | | |
| Sun | | | | | | |

E [INTENTIONALLY BLANK]

| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

F [INTENTIONALLY BLANK]

| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

G [INTENTIONALLY BLANK]

| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
|--|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 4) | Both | <input type="checkbox"/> |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | | | |

H [INTENTIONALLY BLANK]

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <u>Please give further details here</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6) | | |
| Sun | | | | | |

I

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | 23:00 | 00:00 | Please give further details here (please read guidance note 4) Late night refreshment as part of the use as a high end café, restaurant and bar | Both | <input type="checkbox"/> |
| Tue | 23:00 | 00:00 | | | |
| Wed | 23:00 | 00:00 | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) None | | |
| Thur | 23:00 | | | | |
| Fri | | 00:30 | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) Sunday immediately before bank holidays from 23:00 to 00:00 | | |
| | 23:00 | | | | |
| Sat | | 00:30 | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day. | | |
| | 23:00 | | | | |
| Sun | | 00:30 | | | |

J

| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | On the premises | <input type="checkbox"/> | | | |
|--|-------|--------|---|---------------------|-------------------------------------|------|--|--|
| | | | | Off the premises | <input type="checkbox"/> | | | |
| | | | | Both | <input checked="" type="checkbox"/> | | | |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | | | | |
| Mon | 10:00 | 23:30 | | | | None | | |
| Tue | 10:00 | 23:30 | | | | | | |
| Wed | 10:00 | 23:30 | | | | | | |
| | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) | | | | | |
| Thur | 10:00 | 00:00 | Off-sales until 23:00 Monday to Saturday. 22:30 on Sunday. Sunday immediately before bank holidays from 12:00 to 00:00 From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day. | | | | | |
| Fri | 10:00 | 00:00 | | | | | | |
| Sat | 10:00 | 00:00 | | | | | | |
| Sun | 12:00 | 22:30 | | | | | | |
| | | | | | | | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| |
|--|
| |
| |
| |
| |
| |
| |
| |
| |
| |
| |

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | <u>State any seasonal variations (please read guidance note 5)</u> |
|--|--------------|---------------|---|
| Day | Start | Finish | |
| Mon | 08:00 | 00:00 | None |
| | | | |
| Tue | 08:00 | 00:00 | |
| | | | |
| Wed | 08:00 | 00:00 | |
| | | | |
| Thur | 08:00 | | |
| | | | |
| Fri | | 00:30 | |
| | 08:00 | | |
| Sat | | 00:30 | |
| | 08:00 | | |
| Sun | | 00:30 | |
| | 08:00 | 23:00 | |

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

Sunday immediately before bank holidays from 12:00 to 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day.

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please see attached a schedule of suggested conditions

b) The prevention of crime and disorder

Please see attached a schedule of suggested conditions

c) Public safety

Please see attached a schedule of suggested conditions

d) The prevention of public nuisance

Please see attached a schedule of suggested conditions

e) The protection of children from harm

Please see attached a schedule of suggested conditions

Checklist:

Please tick to indicate agreement

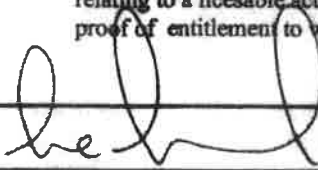
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- ~~{Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).~~

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
| Signature |  LUKE ELFORD SOLICITOR FOR TLT LLP |
| Date | |
| Capacity | Solicitors for the Applicant |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

| | |
|------------------|--|
| Signature | |
| Date | |
| Capacity | |

| | | | |
|---|-----------------------------|-----------------|----------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Luke Elford Solicitor TLT LLP 20 Gresham Street | | | |
| Post town | LONDON | Postcode | EC2V 7JE |
| Telephone number (if any) | 0333 006 1358 / 07799414692 | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) luke.elford@tltsolicitors.com | | | |

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- **Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:**
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a

licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

- A **current Biometric Immigration Document (Biometric Residence Permit)** issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current Residence Card** issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current Immigration Status Document** containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;

- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Licensing Authority: *Westminster City Council*

Ref: 18/02620/LIPN

Application for a Premises Licence under the Licensing Act 2003

I / We **Robinson Webster (Holdings) Ltd** apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Second Floor
Carriage House
29 Floral Street
London

Post code

WC2E 9DP

Telephone number of premises (if any)

Non-domestic rateable value of premises

£ 108000.00

If the premises is under construction please check here

If the premises hasn't been assigned a rateable value yet, please check here

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

*Please make
selection with an "x"*

- a) An individual or individuals* please complete section (A)
- b) a person other than an individual*
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) A recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

*Please make
selection with an "x"*

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a:
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

Title

Surname

First names

**Date of Birth
(you must be 18
years old or over)**

Nationality

**Current postal
address
if different from
premises address**

Postcode

Post Town

Daytime contact telephone number

**Email address
(optional)**

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name

Robinson Webster (Holdings) Ltd

Address

**159 Mortlake Road
Richmond
Surrey
TW9 4AW**

Registered number (where applicable)

01069599

**Description of applicant (for example,
partnership, company, unincorporated
association etc.)**

Private Limited Company

Telephone number (if any)

na

E-mail address (optional)

luke.elford@titsolicitors.com

Part 3 - Operating Schedule

When do you want the premises licence to start?

05/04/2018

If you wish the licence to be valid only for a limited period, when do you want it to end?

If 5,000 or more people attend the premises at any one time, please state the number expected to attend

4999

General description of premises (please read guidance note 1)

Restaurant.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please check all relevant boxes

Provision of regulated entertainment (please read guidance note 2)

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption <u>please make selection with an "x"</u> (please read guidance note 8). | On the premises | <input checked="" type="checkbox"/> |
|---|-------|--------|--|------------------|-------------------------------------|
| Day | Start | Finish | | Off the premises | <input type="checkbox"/> |
| Mon | 10:00 | 23:00 | | Both | <input type="checkbox"/> |
| Tue | 10:00 | 23:00 | <u>State any proposed seasonal variations for the supply of alcohol</u> (please read guidance note 5) na | | |
| Wed | 10:00 | 23:00 | | | |
| Thur | 10:00 | 23:00 | | | |
| Fri | 10:00 | 23:00 | | | |
| Sat | 10:00 | 23:00 | <u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | |
| Sun | 12:00 | 22:30 | | | |

State the name and details of the individual whom you wish to specify on the licence as premises supervisor. (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|--|------------|
| Title | [REDACTED] |
| Surname | [REDACTED] |
| First Name(s) | [REDACTED] |
| Date of Birth | [REDACTED] |
| Address | [REDACTED] |
| Postcode | [REDACTED] |
| Personal Licence number (if known) | [REDACTED] |
| Issuing licensing authority (if known) | [REDACTED] |

Please print the 'Consent of individual to being specified as premises supervisor' form (shown on pages 19 and 20), and have the person specified above sign and confirm the details given.

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

None

O

| | | | |
|--|-------|--------|---|
| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variation (please read guidance note 5) na |
| Day | Start | Finish | Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 6) From the end permitted hours on New Years Eve to the start of permitted hours on New Year's Day |
| Mon | 08:00 | 23:00 | |
| Tue | 08:00 | 23:00 | |
| Wed | 08:00 | 23:00 | |
| Thur | 08:00 | 23:00 | |
| Fri | 08:00 | 23:00 | |
| Sat | 08:00 | 23:00 | |
| Sun | 08:00 | 22:30 | |
| | | | |
| | | | |

P Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 10)

See attachment

b) The prevention of crime and disorder

See attachment

c) Public safety

See attachment

d) The prevention of public nuisance

See attachment

e) The protection of children from harm

See attachment

Please make selection with an "x"

I have attached a scanned copy of the consent form completed by the proposed premises supervisor

Upload attachments

I have attached the plan of the premises

Upload attachments

I understand that if I do not comply with the above requirements my application will be rejected

I / We understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

Please attach a proof of right to work. " (Please see notes)

Upload attachments

Ticking this box indicates you have read and understood the above declaration.

Part 5 - Declaration (please read guidance note 11)

Confirmation of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12) **If confirming on behalf of the applicant please state in what capacity.**

• [Applicable to all individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

• The DPS named in this application form is entitled to work in the UK, (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Confirmation Date

Name Capacity

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 13) **If confirming on behalf of the applicant please state in what capacity.**

Confirmation Date

Name Capacity

Contact name and postal address for correspondence associated with this application (please read guidance note 14)

Title

First name

Last name

Address

Postcode

Telephone number (if any)

Email address all correspondence should be sent to

Judgments

R (on the application of D&D Bar Services Ltd) v Romford Magistrates Court

[2014] EWHC 344 (Admin)

Queen's Bench Division, Administrative Court (London)

Judge Blackett (Sitting as a Judge of the High Court)

4 February 2014

Licence – Licensing authorities – Decisions – Claimant owning a nightclub – Interested party licensing authority applying for review of claimant's licences – Authority displaying notices advertising the review and asking for representations from any parties or responsible authorities – Notices being defective – Claimant bringing defects to authority's attention – Authority's licensing sub committee (the committee) deciding nobody being misled or disadvantaged by errors and refusing to grant an adjournment – Committee deciding on review hearing to modify the conditions of the claimant's licences – Claimant appealing against that decision – District judge refusing appeal – Claimant seeking judicial review of that decision – Whether defects in notice rendering whole review process and appeal void – Licensing Act 2003 (Premises licenses and club premises certificates) Regulations 2005 SI 2005/42.

Judgment

JUDGMENT: APPROVED BY THE COURT FOR HANDING DOWN (SUBJECT TO EDITORIAL CORRECTIONS)

JUDGE BLACKETT:

Introduction

1. This is a rolled up hearing at the outset of which I granted permission to apply for judicial review.
2. This is an application for permission to appeal by way of judicial review, the decision of District Judge Lucie sitting in North East London (Romford) Magistrates' Court on 7 November 2013. The basis of claim is that the public notice advertising a licensing review was defective in that it failed to specify the grounds for the review and its last three lines were printed in Font 14 instead of Font 16 as prescribed by Regulations. The Claimant submits that these two failures rendered the whole review process and appeal void and that process should be restarted *ab initio*.
3. The Claimant operates a nightclub named "Funky Mojoe" located at 159-161 High Road, South Woodford, London. The interested party is the London Borough of Redbridge (LBR) acting as the Licensing Authority.

On 30 January 2013 the Head of Community Protection and Enforcement for LBR applied for the review of the Claimant's premises licences under the Licensing Act 2003, section 51. Notices were displayed asking for representations from any parties or responsible authorities to be made in writing and submitted to LBR between 31 January and 27 February 2013. Twenty two representations were received from the public.

4. On 27 March the Claimant's solicitor informed LBR that the notices had failed to comply with the requirement of the relevant Regulations. He was informed that the matter would be determined by the Licensing Sub Committee when they undertook the review. That review took place at a public hearing on 18 – 19 April 2013. The Licensing Sub Committee determined that nobody had been misled or disadvantaged by the failures on the notices and there was no reason to grant an adjournment. The review hearing went ahead and the Licensing Sub Committee modified the conditions of the licences, particularly in relation to the terminal hours.

5. The Claimant appealed against this decision to the Romford Magistrates. District Judge Lucie heard the appeal and handed down his judgment on 7 November 2013. The Claimant repeated the submissions that the notices were defective and submitted that the review hearing by the Licensing Sub Committee was therefore invalid. District Judge Lucie rejected those submissions. In so doing he found as a matter of fact that the notices were defective, but the two errors were minor irregularities.

The legislative framework

6. Part 3 of the Licensing Act 2003 (the Act) is concerned with the review of premises licences. By section 51(3) the Secretary of State must by regulations under this section:

- a. require the applicant to give a notice containing details of the application to the holder of the premises licence and each responsible authority within such period as may be prescribed;
- b. require the authority to advertise the application and invite representations about it to be made to the authority by responsible authorities and other persons;
- c. prescribe the period during which representations may be made by the holder of the premises licence, and responsible authority or any other person;
- d. require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.

7. S52 is concerned with the determination of an application for review. By sub section (1) this section applies where:

- a. the relevant licensing authority receives an application made in accordance with section 51,
- b. the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
- c. the authority has complied with any requirement imposed on it under subsection (3)(b) or (3)(d) of that section.

8. Part 5 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005/42 (the Regulations) is concerned with the advertisement of review by a licensing authority. Regulation 38 (1) specifies that the relevant licensing authority shall advertise an application for the review of a premises licence –

- a. by displaying prominently a notice

- (i) which is
 - (aa) of a size equal or larger than A4
 - (bb) of a pale blue colour; and
 - (cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16

9. Regulation 39 specifies that notices referred to in regulation 38 shall state

- a. the address of the premises about which an application for a review has been made,
- b. the dates between which responsible authorities and any other person may make representations to the relevant licensing authority,
- c. the grounds of the application for review,
- d. the postal address and, where relevant, the worldwide web address where the register of the relevant licensing authority is kept and where and when the grounds for the review may be inspected; and
- e. that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

The parties' submissions

10. Mr Kolvin QC for the Claimant submitted that this case raises a matter of great importance under the Licensing Act 2003. He submitted that where there has been a substantive breach of the notification and advertisement requirements of the Act in relation to applications for review (the substance of this case) or other authorisations, the licensing authority does not have jurisdiction to waive the breach and proceed to a hearing. It must, he says, as a matter of statutory interpretation start the whole procedure again.

11. Mr Kolvin submitted that the Licensing Act 2003 was radical legislation which took a patchwork of licensing controls and placed it in the hands of the local authorities, and made it their duty to promote licensing objectives (crime and disorder, public nuisance, protection of children, public safety) in their decision making. The key part of the legislative purpose was to provide for greater local involvement in the licensing process and decision making. The Act originally created the concept of "interested parties" but that has been extended to "other persons" by the Police Reform and Social Responsibility Act 2011. Notices announcing a review of a licence are important in that they ensure those other persons are informed of licensing reviews and decisions.

12. In this case, it is agreed that the notice advertising the review of the Claimant's licence did not comply with two of the requirements of the Regulations in that (1) it did not specify the grounds for review (it listed two of the licensing objectives without any further explanation) and (2) three lines at the bottom giving details of how the application for review could be inspected at the LBR's offices were printed in 14 and not 16 font (the rest of the notice was in the correct font and contained the correct information).

13. Mr Kolvin submitted that the decision maker should approach these defects under a two-stage test. First there must be an exercise in construction of the statutory framework. The question is, did Parliament intend non-compliance with the requirements in the Act and Regulations to be fatal? If the answer is yes, then that is the end of the matter. The whole process is void and must start again. If the answer is no, then the decision maker must go on to determine the imputed intention of Parliament. If the imputed intention was that

non compliance was not fatal then the decision maker should go on to consider whether there had been substantial compliance taking account of whether there had been any prejudice and the overall balance of justice.

14. Mr Kolvin also said that there is no "slip rule" in the 2003 Act and its absence was deliberate. The matter was raised during the passage through Parliament of the Gambling Act 2005 which does contain a slip rule, but none was inserted in the 2003 Act. The wording of the Act in relation to notices is mandatory: if the three requirements of s52(1) are not complied with, then there can be no hearing to determine a licensing matter. In this case Mr Kolvin submitted that s 52(1) (c) required the LBR to comply with the requirement of s51(3)(b) which required the LBR to advertise the application. Regulation 39(c) specifies that the notice shall contain the grounds of the application for review and Regulation 38(1)(a)(i)(cc) requires the notice to be printed legibly in black ink or typed in black in a font of a size equal to or larger than 16. The terms of the Regulations are mandatory – they specify that the authority shall comply with the requirements. The agreed failures to comply with those requirements demonstrate that the advertisement is not valid, so the LBR did not comply with s51(3)(b). In those circumstances s52(1)(c) was not satisfied so s51 did not apply: the hearing which was held was invalid, the decision it reached was void and should be quashed and the review process should start again.

15. Mr Kolvin submitted that District Judge Lucie erred when he relied on the line of authorities including *R (Jeyeanthan) v Secretary of State* [2001] 1 WLR 354 which require the Court to consider what consequences should flow from the breaches. He submitted that this line of cases deals with situations where the statute makes a requirement and does not set out the consequences of breach. Where the consequence of breach is set out, it is the duty of the public authority to observe it. A public authority cannot second guess the will of Parliament. Here the statute is perfectly clear that the jurisdiction to hold a review hearing and exercise regulatory powers is reserved for cases where there has been procedural compliance. The merits of the case are irrelevant: if there is no procedural compliance there is no jurisdiction to hold a hearing. Mr Kolvin referred to a number of authorities to support his contention that the courts have quashed administrative actions on jurisdictional grounds based solely on a construction of statute without engaging in a wider balancing exercise on merits.

16. Mr Kolvin submitted that the case does not get past the first stage. The intention of Parliament is clear from the words used in s52 of the Act – the section applies only if the three requirements are fulfilled. If any are not then there is no jurisdiction to hold a hearing. Nevertheless, he submitted, if the Court was against him and moved on to the second stage, the failure to provide grounds in the notice meant the issue was not substantial compliance because there had been no compliance with Regulation 39(c). He relied on *London and Clydeside Estates Ltd v Aberdeen District Council* [1980] 1WLR 182. Lord Hailsham said: "a total failure to comply with a significant part of a requirement cannot in any circumstances be regarded as substantial compliance with the total requirement in such a way as to bring the respondents contention into effect."

17. Mr Matthias QC for the Interested Party submitted that the Claimant was wrong in his approach. It would be extraordinary if Parliament intended the whole review to be a nullity solely because there were some errors in a notice. The legislation does not disclose an intention to render the review process invalid because of a minor and inconsequential error. It is only where legislation specifies what will happen if there is a breach or failure (a stage 1 case) that the issue can be resolved by applying the legislation. Were it does not so specify (a stage 2 case) the intention of Parliament must be imputed. In this case the legislation does not specify the consequences of a breach of the Regulations, therefore there is a need to impute Parliament's intention from the wording of ss 51 and 52 of the Act. At the time the Act was passed, Parliament did not know precisely what would be within the Regulations, but it is safe to conclude that Parliament would not have intended the review process to be invalidated because of a failure to comply to the letter with every detail of Regulations which had not yet been written. The words "this section applies" is not determinative – it is not a clear enough form of words to discern an express intention of Parliament to say what happens in the event of a breach of Regulations.

18. Mr Matthias submitted that against this background District Judge Lucie's approach was correct. It is important to look at the consequences of any breach or failure and then impute what Parliament intended. He referred to a number of cases where legislation did not specify the consequences of failure and that exercise was undertaken.

Discussion

19. Mr Kolvin suggested that Regulations which are mandatory make compliance easier, so that there can be no doubt that unless they are complied with to the absolute letter, then the process is invalid. That may be so, but in my view it could never have been the intention of Parliament that minor errors on a notice or advertisement for a licensing review should make any subsequent consideration of the licence void. Such an approach would lead to absurd consequences. It is clear that there must be substantial compliance with Regulations 38(1) (a) and 39 but the process should not be frustrated by minor errors. Mr Kolvin's suggestion that there has been a total failure to comply with a significant part of a requirement does not reflect the reality of what occurred. District Judge Lucie considered the errors in the notice to be "minor irregularities." In the context of this case that is an entirely reasonable conclusion with which I agree and he was right to follow the approach in *R v Soneji* [2006] 1 AC 340 (HL) and *R v Secretary of State for the Home Department ex parte Jeyeanthan* [2000] 1 WLR 354. At paragraph 26 of his judgment he said:

"It appears to me that it would not be in the overall interests of justice to quash the decision of the committee as a result of the irregularities. Had any party been able to show substantial prejudice or injustice then the decision may have been different. This is not a case, in my judgement, where non-compliance anywhere near approaches the degree or status that would go to the jurisdiction of the committee."

20. I agree entirely with the District Judge's approach.

Conclusion

21. I completely disagree with Mr Kolvin's submission that this case raises a matter of great importance under the Licensing Act 2003. It is, like so many other licensing cases, one which turns on its facts. It is a case which has been handled impeccably by the Licensing Sub Committee and the District Judge on appeal. The submission from the Claimant that the process should be invalidated solely because of two minor errors on a notice is entirely without merit.

22. For the reasons I have given, this claim is dismissed.

Costs

23. I invite the parties to make submissions as to costs. This can be done in writing or at the request of either party at a further short hearing to be arranged in the usual way.