

Licensing Sub-Committee Report

Item No:	
Date:	1 August 2019
Licensing Ref No:	19/06362/LIPN - New Premises Licence
Title of Report:	Ground and First Floor 21 Slingsby Place London WC2E 9AB
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	24 May 2019		
Applicant:	Longmartin Properties Ltd		
Premises address:	Ground and First Floor 21 Slingsby Place London WC2E 9AB	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	According to the application form the premises will be a Restaurant with ancillary bar		
Premises licence history:	This is an application for a new premises licence and therefore has no licence history		
Applicant submissions:	Appropriate model conditions are proposed to promote the licensing objectives, together with the surrender of premises licence 17/04590/LIPT in respect of The Sussex public house		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 12:00 – 00:00					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:00	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 12:00 – 00:00					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 12:00 – 00:30					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	20 June 2019

I refer to the application for a new Premises Licence for the above premises which are located in the West End Cumulative Impact area.

The applicant has submitted the following plans of the premises:

- Ground Floor drawing no 1648-0552, rev B, dated 14/3/19.
- First Floor drawing no 1648-0553, rev B, dated 14/3/19

The following licensable activities are being sought:

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises between 10:00 and 23:30 Monday to Thursday, 10:00 and 00:00 Friday and Saturday and 12:00 to 22:30 Sunday
2. Provision of Late Night Refreshment 'Indoors' and 'Outdoors' 23:00 and 23:30 Monday to Thursday and 23:00 and 00:00 Friday and Saturday
3. Non-standard times for all the above licensable activities on Sundays immediately prior to bank holiday 12:00 until 00:00 and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

I wish to make the following representations based on the plans submitted and the supporting operating schedule:

1. The hours requested for and the Supply of Alcohol may impact on Public Safety and may lead to an increase in Public Nuisance in the West End Cumulative Impact Area
2. The Provision of Late Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area
3. Non-standard times for all the above licensable activities may impact on Public Safety and may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

Environmental Health also makes the following further comments:

- Some conditions have been offered in the operating schedule and these are being considered as to whether they are sufficient to allay Environmental Health concerns
- It is unclear if the premises have already undergone refurbishment for the proposed use
- The premises will need to be assessed for Public Safety on completion and an appropriate safe capacity restriction determined based on the District Surveyor's Technical Guidance on Places of Entertainment.
- The provision of sanitary accommodation for any proposed public capacity must be in line with the minimum standards as provided in British Standard 6465 to help prevent an increase in Public Nuisance in the West End Cumulative Impact Area. In addition, compliance with Food Hygiene guidance will also require separate facilities for staff.

- The premises will also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or noise from the operation of any plant and machinery.

The applicant is requested to contact the undersigned to discuss all of the above and to arrange a site visit after which Environmental Health may propose additional conditions

Responsible Authority:	Licensing Authority
Representative:	Angela Seaward
Received:	21 June 2019

I write in relation to the application submitted for a new premises licence for 21 Slingsby Place, London, WC2E 9AB.

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

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

The application seeks the following Licensable Activities:

Sale of Alcohol

Mon to Thu: 10:00 to 23:30

Fri-Sat: 10:00 to 00:00

Sun: 12:00 to 22:30

Night Refreshment

Mon to Thu: 23:00 to 23:30

Fri to Sat: 23:00 to 00:00

Opening Hours Mon to Sun 09:00 to 00:00

Non Standard Hours

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

On Sundays prior to bank holidays 12:00 – 00:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, RNT2 and PB2.

The Licensing Authority note that the application has been made within the Councils core hours policy for licensable activities however the opening hours match the terminal hours of Friday and Saturday night.

Paragraph 2.3.6 of the Councils statement of licensing policy states the licensing authority will consider closing times and appropriate conditions. The benefits of "winding down" periods are very widely recognised as helping to reduce crime and disorder and public nuisance. Could you advise me how the premises proposes to manage the terminal hour for licensable activities on Friday and Saturday nights bearing in mind in that in its current form all customers would have to be off the premises at the same time.

The applicant has applied for the sale by retail of alcohol both on and off the premises within Westminster's core hours. As part of the application form, the applicant describes

the proposed operation of the premises as a restaurant with ancillary bar. The Licensing Authority would encourage the applicant to provide further submissions and information as to the proposed operation for 'off sales' at the premises, and how this is intended to be operated and controlled to ensure that there is no adverse impact within the West End Cumulative Impact Area. Particular concern is raised to the external area of the premises where it is proposed that tables and chairs may only be used ancillary to food after 21:00. What is the proposed operation before 21:00?

The applicants have offered Model Condition 66 to cover the restaurant area only. Whilst the Licensing Authority acknowledge that the bar area is subject to a condition restricting alcohol to be sold and consumed by seated customers, concern is raised with how the ancillary bar area is to managed and operated. Could you please confirm whether the bar is intended to be operated as a holding bar (i.e customers waiting to be seated prior to being seated for a table meal) or is the bar open to the public to be accessed at any time to have a drink without being ancillary to a meal?

The application in its current form does not entirely fit into the councils RNT2 policy due to the lack of clarity for the ancillary bar. Therefore, PB2 would apply to the ancillary bar marked in the blue hatched area and potentially the outside area of the premises before 21:00. It is the Councils policy to refuse applications in the cumulative impact area for pubs and bars. Paragraph 2.5.3 states that the council is particularly concerned that a restaurant premises in the cumulative impact do not, even in part, come to operate as a bar.

Paragraph 2.5.23 of the Council's Statement of Licensing Policy states that it is of particular concern in Cumulative Impact Area where there had been a growth in the number of premises that primarily serve alcohol, resulting in or adding to cumulative impact. On the basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the cumulative impact area should be limited to exceptional circumstances.

The Licensing Authority does note however that it is the applicants intention to surrender the licence (17/04590/LIPT) should this application be granted. Although Paragraph 2.4.6 of the policy states that a potential exception to policy could be that a licence be surrendered this application is directly linked to two other applications with the surrender of one licence.

I look forward to meeting with you to discuss the concerns raised in my representation. Please could you advise me of a suitable date to visit the premises.

Please accept this as a formal representation.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	21 June 2019
Application No.	Address
19/06363/LIPN	Unit 19 Slingsby Place London WC2E 9AB

19/06362/LIPN Unit 21 Slingsby Place London WC2E 9AB

19/06367/LIPN Unit 23 Slingsby Place London WC2E 9AB

This representation is being made by the [REDACTED]
These 3 premises have been created by combining 2 retail units with an existing A3 unit and then re-dividing them. The result is 3 units, 2 of which are at ground and first floor levels (21 and 23) and one of which is at ground and basement levels.

Whilst there are 3 separate units with different layouts and numbers of covers the proposed operating schedules for each are same and so we are making a single representation which covers all 3 applications.

The [REDACTED] view is that the licenses requested will, if granted without any changes and additional conditions harm the Licensing Objective of the Prevention of Public Nuisance.

Ancillary Bar Use

All 3 licences are for restaurant use with ancillary bar use. The bar use is for seated customers only and the seats in these areas shown on the plan is as follows:

Unit 19 7 on ground floor

Unit 21 6 on ground floor, 12 on external terrace (until 21:00)

Unit 23 6 on ground floor, 8 on external terrace (until 21:00)

We are usually concerned about bar use because it can result in noise nuisance being generated during dispersal. In this case the number of seats is limited but whilst all sales must take place to seated customers the layout is "indicative" and so could be used more intensively than implied by these figures. We would like the capacity for non-ancillary alcohol to be limited to be limited in the conditions to similar numbers to these. We suggest 8 internally in each unit with the external capacities as listed above.

Deliveries

There are proposed condition which limit deliveries to 07:00-23:00. There is a planning condition (#5 on 18/10789/FULL) for the development which restricts deliveries to 07:30-10:30 Monday to Saturday with no deliveries permitted on Sunday. This is "to protect the environment of people in neighbouring properties" ie to prevent public nuisance to residents. We believe that it is appropriate that these times are reflected in the Licensing condition. We are aware that Planning and Licensing are separate regimes and if this is not imposed we would ask that instead the Licensing Condition restricts deliveries to 07:30-18:00 Monday to Saturday and 10:00-18:00 on Sunday with a requirement that all deliveries take place from within the Courtyard (as is also required by Planning). The applicant would still need to comply with the Planning condition unless they apply to modify this.

Waste Management

There is a proposed condition which limits waste collection and movement to 07:00-23:00, unless the Council's waste collection is at a different time to this. We see no reason for such a wide window for waste collection itself as it is limited by the Planning permission to 07:30-11:30. The building has been designed with sufficient waste storage for this.

The other part of this is the movement of waste inside the buildings in which the premises are located, especially glass. This is a noisy operation and usually takes place when the premises close. Both the movement of glass from the premises to the waste area and the placing of glass in the bins are an issue. There is no sound attenuation around the basement waste storage area and thus the noise escapes from the building and disturbs residents living in the residential building which backs onto this area.

Our view is that all movement and depositing of waste to areas outside each premises (as defined by the red-lined area) should be restricted to 09:00-21:00 each day unless this movement is made in such a way that no noise emanates which is audible in any residential buildings. This could be done by soundproofing the storage areas. We also believe that the

increase in A3 floor space justifies the installation of a bottle crusher in order to reduce the volume of glass waste, although this would of course need to be enclosed in a way which prevents noise causing a nuisance.

Food Delivery Services

With a concentration of A3 uses we are concerned that there will be an increase in food delivery services. These can cause a nuisance because of the congregation of drivers/riders as well as noise from cars/motor scooters if these are used. We would ask that a condition is imposed requiring that the Licence Holder takes steps to avoid a nuisance being caused. Our proposed wording is: *If the licence holder offers the service of delivery to the customer either directly or via a delivery service, they shall ensure that specific procedures are in place and that the activity does not cause nuisance at or near to the premises.*

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

3. Policy & Guidance

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

Policy CP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy RNT2 applies apart from the area hatched blue	<p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas</p>
Policy PB2 applies to the area hatched blue	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</p>
Policy FFP2 applies	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.</p>

4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service Representation	20 June 2019
5	Licensing Authority Representation	21 June 2019
6	Interested Party Representation	21 June 2019

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

Sale by Retail of Alcohol

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

For times authorised for New Year see conditions at Annex 1

The opening hours of the premises:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30

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

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

Part 2

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

Longmartin Properties Ltd
22 Ganton Street
London
W1F 7FD

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

05291183

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

Name: John Higginson

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 05/01811/LAPER
Licensing Authority: Chiltern District Council

Date: 17 July 2017

**This licence has been authorised by Mrs Shannon Pring on behalf of the Director -
Public Protection and Licensing.**

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

11. All door staff shall be Security Industry Authority (SIA) approved and will operate in accordance with the security industry guidelines.
12. A zero tolerance policy towards illegal drugs will be enforced at all times.
13. When a disc jockey is in use at the premises they will ask customers to leave quietly.
14. All incidents of crime and disorder shall be reported to the police and shall be kept in an incident log-book.
15. Free drinking water shall be available at all times.
16. Patrols will take place by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.
17. Notices shall be displayed asking customers to respect neighbours when leaving the premises.
18. Soft drinks and non-alcoholic refreshment will be available after the supply of alcohol has ceased and before the premises closes.
19. When children are permitted on the premises, any entertainment offered within the premises will be suitable for young persons.
20. Children will be required to be supervised by an accompanying adult at all times.
21. Children will not be allowed in the area immediately adjacent to the bar servery.
22. Any person under 18 years of age shall not be permitted to play on the Section 34 amusement with prizes machines.
23. A non-smoking area will be provided.
24. Soft and non-alcoholic drinks shall be available on the premises.
25. A recognised proof of age policy will be enforced at the premises.

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

26. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Mondays to Thursdays 10:00 to 23:30;
- (b) On Fridays to Saturdays 10:00 to 00:00;
- (c) On Sundays, 12:00 to 22:30;
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

27. To extend the provision of regulated entertainment, late night refreshment and the sale by retail of alcohol by one hour on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day and for statutory Bank Holiday weekends (Friday to Sunday) and the Thursday before Good Friday and Christmas Eve.
28. Children shall be permitted on the premises if accompanied by an adult. All children shall be off the premises by 21:30.
29. Live Music shall be limited to two in a bar only.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: St James's
UPRN: 010033544871

Premises licence
summary

Regulation 33, 34

Premises licence number:

17/04590/LIPT

Part 1 – Premises details

Postal address of premises:

The Sussex
Ground Floor
20 Upper St Martin's Lane
London
WC2H 9DL

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Live Music

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music or Recorded Music

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00

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

Sale by Retail of Alcohol

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

For times authorised for New Year see conditions at Annex 1

The opening hours of the premises:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	10:00 to 22:30

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

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

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

Longmartin Properties Ltd
22 Ganton Street
London
W1F 7FD

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

05291183

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

Name: John Higginson

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

Restricted

Date: 17 July 2017

This licence has been authorised by Mrs Shannon Pring on behalf of the Director - Public Protection and Licensing.

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. The premises shall operate primarily as a restaurant where, save for the area(s) hatched blue on the deposited plans
- (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.

10. In the area(s) hatched blue on the deposited plans, alcohol can only be sold to and consumed by seated customers.
11. Last entry to the premises to new customers shall be 30 minutes prior to the cessation of licensable activities on the premises.
12. All windows and external doors shall be kept closed after 22:00 hours, except for the immediate access and egress of persons.
13. After 21:00 all external tables and chairs shall only be used by customers taking a table meal.
14. No amplified music shall be played on the external terrace.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder

- (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
 20. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
 21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
 22. No licensable activities shall take place at the premises until premises licences 17/04590/LIPT (original reference number 05/05134/LIPCV) (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].
 23. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
 24. No licensable activities shall take place at the premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.

Conditions proposed by the Environmental Health

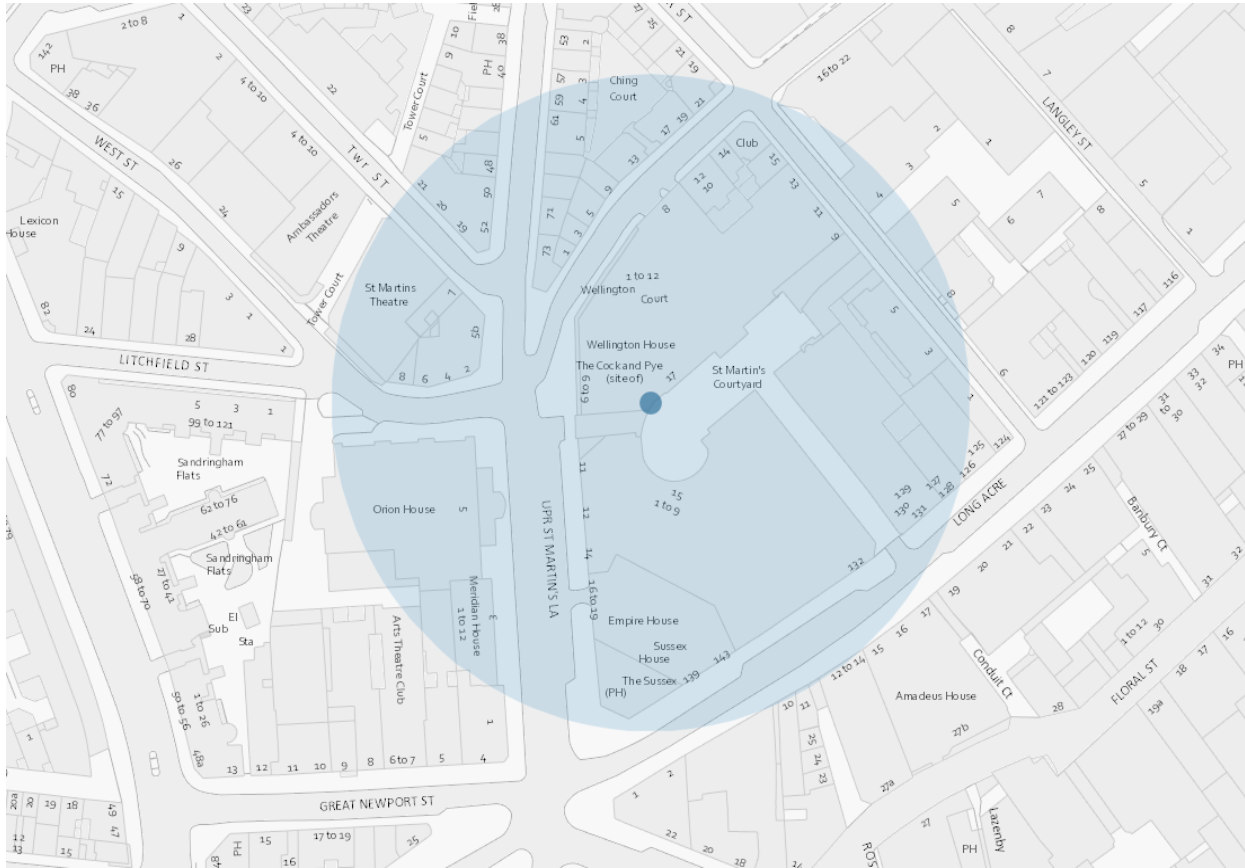
None

Conditions proposed by the Police

None

Residential Map and List of Premises in the Vicinity

Appendix 5



Resident Count:113

Licensed premises within 75 metres of 21 Slingsby Place

Licence Number	Trading Name	Address	Premises Type	Time Period
18/07934/LIPDPS	Jamie's Italian	Basement And Ground Floor 11 Upper St Martin's Lane London WC2H 9FB	Restaurant	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
17/10361/LIPVM	Cantina Laredo	10 Upper St Martin's Lane London WC2H 9FB	Restaurant	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank

				Holidays; 12:00 - 00:00
14/10096/LIPT	Subway	2 Upper St Martin's Lane London WC2H 9NY	Takeaway food outlet	Monday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:00
17/00999/LIPCH	The Convenience Store	Ground Floor 8 Upper St Martin's Lane London WC2H 9DL	Shop	Monday to Sunday; 00:00 - 00:00
18/06713/LIPDPS	Dishoom	12 Upper St Martin's Lane London WC2H 9FB	Restaurant	Friday to Saturday; 08:00 - 00:00 Sunday to Thursday; 08:00 - 23:30
17/02740/LIPDPS	Suda	23 Slingsby Place London WC2E 9AB	Restaurant	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
18/06686/LIPDPS	Dalla Terra	25 Slingsby Place London WC2E 9AB	Cafe	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
18/06836/LIPCH	Bills Produce	13 Slingsby Place London WC2E 9AB	Shop	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
16/01741/LIPN	Department Of Coffee	19 Slingsby Place London WC2E 9AB	Cafe	Monday to Sunday; 08:00 - 21:00
19/03254/LIPCH	Stringfellows	16-19 Upper St Martin's Lane London WC2H 9EF	Night clubs and discos	Not Recorded; XXXX - XXXX

15/06983/LIPDPS	Tredwell's	4A Upper St Martin's Lane London WC2H 9NY	Restaurant	Monday to Saturday; 08:00 - 02:00 Sunday; 08:00 - 00:30 Sundays before Bank Holidays; 08:00 - 00:30
16/03314/LIPV	Starbucks	Orion House 5 Upper St Martin's Lane London WC2H 9EA	Cafe	Monday to Saturday; 06:30 - 23:00 Sunday; 07:30 - 23:00
15/01045/LIPDPS	Crazy Bear	17 Mercer Street London WC2H 9QJ	Restaurant	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 01:00
17/04590/LIPT	The Sussex	Ground Floor 20 Upper St Martin's Lane London WC2H 9JZ	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30