

Licensing Sub-Committee Report

Item No:	
Date:	9 January 2020
Licensing Ref No:	19/13884/LIPN - New Premises Licence
Title of Report:	49-51 Carnaby Street London W1F 9PY
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	24 October 2019		
Applicant:	Fifty Carnaby Limited		
Premises:			
Premises address:	Basement Unit G.15 49-51 Carnaby Street London W1F 9PY	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the application form, this is an application for a new Premises Licence with planning permission granted to operate the premises as a club and live music venue. The applicant sought pre-application advice and proposes to follow the City Council's PVC Policy.		
Premises licence history:	This is a new Premises Licence application and therefore no licence history exists.		
Applicant submissions:	There are no submissions from the applicant.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors Only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	02:00	02:00	02:00	03:00	03:00	03:00	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. An additional hour on the morning that British Summer Time commences.				

Live Music, Recorded Music, Performance of Dance and anything of a similar description:				Indoors, outdoors or both			Indoors Only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	02:00	02:00	02:00	03:00	03:00	03:00	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. An additional hour on the morning that British Summer Time commences.				

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:	02:00	02:00	02:00	03:00	03:00	03:00	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.				
			An additional hour on the morning that British Summer Time commences.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	02:00	02:00	02:00	03:00	03:00	03:00	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.				
			An additional hour on the morning that British Summer Time commences.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	11 November 2019
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.</p> <p>The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	20 November 2019
<p>I refer to the application for a new Premises Licence for the above premises which is located in the West End Cumulative Impact Area.</p> <p>The applicant has submitted a plan of the premises showing the ground floor and the licensed area in the basement, drawing no. SC-SK-06, dated 16.09.18.</p>	

The following licensable activities are being sought:

1. Sale of Alcohol (On & Off) on Monday – Wednesday: 10:00 – 02:00, Thursday – Saturday: 10:00 – 03:00 and Sunday: 12:00 – 00:00
2. The following Regulated Entertainments indoors on Monday – Wednesday: 09:00 – 02:00 Thursday – Saturday: 09:00 – 03:00 and Sunday: 09:00 – 00:00:
 - Live Music
 - Recorded Music
 - Performance of Dance
 - Anything similar to Live Music, Recorded Music and Performance of Dance
3. Late Night Refreshment indoors on Monday – Wednesday: 23:00 – 02:00, Thursday – Saturday: 23:00 – 03:00 and Sunday: 23:00 – 00:00
4. 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.

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

1. The sale of alcohol on and off the premises and for the hours requested may lead to an increase in Public Nuisance in the West End Cumulative Impact Area and impact on Public Safety
2. The provision of the Regulated Entertainments sought and for the hours requested may lead to an increase in Public Nuisance in the West End Cumulative Impact Area and impact on Public Safety
3. The provision of Late Night Refreshment for the hours requested may lead to an increase in Public Nuisance in the West End Cumulative Impact Area
4. The provision of the licensable activities for the Non-standard hours may lead to an increase in Public Nuisance in the West End Cumulative Impact Area and impact on Public Safety

Environmental Health also makes the following comments:

- The applicant has offered an extensive list of conditions and these are under consideration as to whether they are sufficient to allay Environmental Health concerns
- The licensable activities sought appear to be contrary to policy as well as being beyond 'core' hours.
- The applicant states that the application is being made in accordance with the PVC policy however policies MD2 and COMB1 may be more pertinent.

Nevertheless if the premises is seeking to be a 'live music' venue Environmental Health considers the following attributes need to be taken into consideration:

- its location – no residential premises immediately nearby
- licensable activities restricted to basement such that air borne noise breakout from Regulated Entertainments is unlikely to occur – if breakout via party wall connections occurs it will only impact on commercial premises which are unlikely to be affected in the later hours. (Clarification will therefore be required for activities during the day and early evening).

- the provision of sanitary accommodation complies with appropriate standards for the proposed capacity

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

Responsible Authority:	Licensing Authority
Representative:	Angela Seaward
Received:	20 November 2019

I write in relation to the application submitted for a new premises licence for 49-51 Carnaby Street, London, W1F 9PY.

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:

Performace of Dance, Live Music and Playing of recorded Music	Monday to Wednesday – 09:00 – 02:00 Thursday to Saturday – 09:00 – 03:00 Sunday – 09:00 – 00:00
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Anything of a similar Nature	Tuesday to Thursday – 09:00 – 02:00 Friday to Sunday – 09:00 – 03:00
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Late Night Refreshments	Monday to Wednesday – 23:00 – 02:00 Thursday to Saturday – 23:00 – 03:00 Sunday – 23:00 – 00:00
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Sale by retail of Alcohol	Monday to Wednesday – 09:00 – 02:00 Thursday to Saturday – 09:00 – 03:00 Sunday – 09:00 – 00:00
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Opening Hours	Monday to Wednesday – 08:00 – 02:00 Thursday to Saturday – 08:00 – 03:00 Sunday – 08:00 – 00:00
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The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and PB2 and MD2

At present, the hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises, Westminster's core hours are as follows:

Monday to Thursday: 10:00 – 23:30

Friday and Saturday: 10:00 – 00:00

Sunday: 12:00 - 22:30

For premises for the provision of other activities, Westminster Core hours are as follows;

Monday to Thursday: 09:00 - 23.30

Friday and Saturday: 09:00 - midnight

Sundays: 09:00 - 22:30

The Licensing Authority would encourage the applicant to consider reducing the hours for licensable activities to be in line with those of Westminster's Core Hours Policy, HRS1. Applications for hours outside the core hours set above will be considered on their merits, subject to other relevant policies with particular regard to the policy points raised under HRS1.

The application proposes to operate at a Club/Live Music venue which is applying under the terms of PVC1. The application does not currently meet criteria set out in this policy as the operating schedule does not indicate that there is a performance happening or that the premises is operating any ticket sales etc.

Although Policy PVC1 states that bars are a normal feature of performances venues they should be ancillary to the overall use of the premises as a performance venue. Further the hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. And finally, any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities

The applicant has also applied for off sales. As the premises is located in the basement the Licensing Authority would like confirmation on how the applicant proposes to have an off sales facility. Policy 2.5.34 advised that application will not be considered for PVC1 where the provision for off sales is applied for.

The application proposes to have a bar with no ancillary use. Although the applicant proposes that the application falls under PVC1 the Licensing Authority consider that policy PB2 will apply. 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. Therefore The applicant is encouraged to provide further submissions as to the exceptional circumstance of their application to allow members to consider the application on its own merits.

This premises intends to provide music and dancing or similar entertainment. Policy MD2 states that 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.

The Licensing Authority also notes that the premises currently benefits from Licence number 19/07670/LIPN however there is no mention of surrendering this, upon a successful grant of the new licence. The Licensing Authority therefore encourage the applicant to advise they have the capacity to surrender the existing licence.

I look forward to receiving your further submissions.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	20 November 2019

We write to make a relevant representation to the above application on behalf [REDACTED].

[REDACTED] objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance and cumulative impact in the West End Cumulative Impact Area.

[REDACTED]

[REDACTED] is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

Application summary

New premises licence. The application states,

- Basement unit (entrance ground floor)
- Planning permission (18/10854/FULL) granted to operate as a club*/live music venue
- Proposal is to licence the premises in accordance with the City Council's PVC policy and follows pre-application advice

(*planning permission states 'nightclub')

Live Music / Recorded Music/ Performance of Dance / Anything Similar

Mon - Wed: 09:00 - 02:00

Thurs - Sat: 09:00 - 03:00

Sun: 09:00 - 00:00

Late Night Refreshment

Mon - Wed: 23:00 - 02:00

Thurs - Sat: 23:00 - 03:00

Sun: 23:00 - 00:00

Supply of Alcohol

Mon - Wed: 10:00 - 02:00

Thurs - Sat: 10:00 - 03:00

Sun: 12:00 - 00:00

Open to the public

Mon - Wed: 08:00 - 02:00

Thurs - Sat: 08:00 - 03:00

Sun: 08:00 - 00:00

The application

This application proposes to open a new late night nightclub/live music venue in a cumulative impact area, in accordance with the City Councils PVC policy. The applicant needs to demonstrate the operation falls within the PVC2 policy and provide detailed information regarding the operation and capacity of these premises. Under PVC2 the applicant still has to demonstrate that they will not add to cumulative impact in the West End Cumulative Impact Area.

Three recent licensing decisions are of note in relation to this application, in October The Admiral Duncan, Old Compton Street applied under the PVC policy to provide cabaret entertainment and extend its hours Mon - Sat to 03:00. This application was rejected by the Licensing Sub-Committee as it was decided the application did not fall within PVC2 and no exceptional circumstances were made out. The Compton Cross application in 2018 also sought to provide entertainment and to extend the hours until 01:00, the application was granted, however, the extension of hours and conditions were limited to a period of 12 months, the number of cabaret nights limited to 52 per year on Friday and Saturday, admission to the premises after 22:00 hours by pre-purchased ticket only to a maximum of 50 tickets.

This application needs to be robustly examined, if the applicant cannot demonstrate that PVC2 applies then in our view these premises fall under policies HRS1, PB2, MD2 and CIP1(1) and therefore the applicant needs to demonstrate that there are no exceptional circumstances in this case. As 2.4.2 in the Licensing Policy states,

*'The granting of licences for additional pubs and bars, **or for uses which include bars** (our emphasis), in the Cumulative Impact Areas will not generally be granted to the full extent of the core hours as these would generally add to cumulative impact. Policies CIP1, FFP2, and PB2 and MD2 are intended to be strict, and will only be over written in genuinely exceptional circumstances.'*

The Licensing Objectives

Having highlighted areas of concern with the application, we now consider these areas in relation to the licensing objectives.

Prevention of crime and disorder

Criminal activity associated with the late night economy / venues and large numbers of people on the streets results in high levels of serious crime. In Soho the majority of robberies take place late at night, neighbourhood police acknowledge they peak between the hours of 00:00 and 04:00, intoxicated and vulnerable people are targeted as they leave late night venues which is evidenced by the crime figures. Recent figures for Soho highlight a huge increase in robberies, 111 robberies took place within the four month period from Nov - Feb 2017/18, for the same period in 2018/19 the figure was 266 an increase of 140%. Figures for theft from person also show a similar increase 401 for the same period in 2017/18 to 1,028 in 2018/19 an increase of 156%.

Criminal activity is not limited to robberies late at night, drug dealers are also in the area targeting people. Dealers are seen in Soho daily, with an increase in numbers from the early evening until the early hours, they openly approach people on a night out. Soho changes its nature at night, it becomes a sinister place where people with criminal intent loiter, watch and wait for intoxicated people to leave late night venues.

We are in no doubt that a new entertainment venue with people being dispersed late at night, in an area already saturated with late night venues will attract criminal activity and will result in an increase in crime and disorder.

Prevention of public nuisance

Large numbers of people being discharged from the venue into the surrounding area will have a detrimental impact on residents. Residents are already disturbed by noise from intoxicated people loitering in the street, drug dealers, taxis and pedicabs playing loud music late at night. We believe this type of disturbance, nuisance and anti-social behaviour to nearby residents will increase if this application is granted.

Licensing Policy - Cumulative Impact

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

We are in no doubt that another late night venue, until 02:00 / 03:00 will add to crime and disorder, public nuisance and cumulative impact in the West End Cumulative Impact Area. We therefore respectfully request this application be rejected and a licence granted within core hours.

Please do not hesitate to contact us if you require any further information.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
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 supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 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 CIP1 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 PB2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy MD2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
Policy PVC2 applies	Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. 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:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	11 November 2019
5	Environmental Health Service	20 November 2019
6	Licensing Authority	21 November 2019
7	Representation 1	20 November 2019

Applicant Supporting Documents

Appendix 2

There are no submissions from the applicant

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 install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. 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.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - i. all crimes reported to the venue
 - ii. all ejections of patrons
 - iii. any complaints received concerning crime and disorder
 - iv. any incidents of disorder
 - v. all seizures of drugs or offensive weapons
 - vi. any faults in the CCTV system,
 - vii. any refusal of the sale of alcohol
 - viii. any visit by a relevant authority or emergency service.
12. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. All doors and windows shall be closed after 23:00 except to access and egress.
14. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
16. 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.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. At least 1 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. Save for the bar area, as indicated on the plans, the supply of alcohol shall be by waiter or waitress service only.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.
26. No licensable activities shall take place at the premises until the premises has 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



Resident Count: 65

Licensed Premises within 75 metres of Basement Unit, G.15 49-51 Carnaby Street, London, W1F 9PY				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/07670/LIPN	Not Recorded	49-51 Carnaby Street London W1F 9PY	Not Recorded	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00
14/06042/LIPDPS	Life Goddess	Former Unit 1.9 Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
17/03113/LIPVM	Whyte And Brown	Former Ground Floor Unit G2 Kingly Court London	Restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30
17/07358/LIPDPS	Darjeeling Express, Unit 2.14-2.16	Former Ground Floor Unit G2 Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00

19/09764/LIPCH	Shoryu	Former Unit G3 Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
19/05416/LIPDPS	Cahoots	Unit G 13 Kingly Court London W1B 5PW	Night clubs and discos	Monday to Wednesday; 09:00 - 03:00 Thursday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00
14/11127/LIPVM	Oka Restaurant Units 1.14 - 1.16	Kingly Court Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
17/12158/LIPDPS	Senor Ceviche	Kingly Court Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
19/02435/LIPDPS	Units 1.7 And 1.8, First Floor	Kingly Court Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
19/07628/LIPDPS	Dirty Bones Units 2.12 And 2.13	Kingly Court Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
15/11467/LIPDPS	Le Bab (Units 2.10 And 2.11)	Kingly Court Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
14/04377/LIPDPS	Units 1.7 And 1.8, First Floor	Kingly Court Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
19/03433/LIPDPS	The Court	9 Kingly Street London W1B 5PH	Club or institution	Monday to Friday; 09:00 - 03:30 Saturday; 09:00 - 00:30 Sunday; 12:00 - 23:00

17/09285/LIPDPS	Rum Kitchen, First Floor, Units 1.12 And 1.13	Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
11/07877/LIPDPS	Open Space	Kingly Court London	Park / Open Space	Monday to Sunday; 00:00 - 00:00
17/13411/LIPDPS	Unit G9	Kingly Court London	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 New Year's Day; 00:00 - 00:00
06/04160/WCCMAP	Shampers Wine Bar	Ground Floor 4 Kingly Street London W1B 5PE	Wine bar	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/12885/LIPDPS	Cahoots	5 Kingly Street London W1B 5PF	Restaurant	Monday to Saturday; 09:00 - 01:10 Sunday; 09:00 - 01:00
18/02217/LIPDPS	Pizza Pilgrims	11 Kingly Street London W1B 5PL	Shop	Monday to Sunday; 08:00 - 00:30
15/00525/LIPN	Pizza Pilgrims Kiosk	11 Kingly Street London W1B 5PL	Shop	Monday to Saturday; 08:00 - 23:00 Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30
17/04862/LIPVM	Disrepute	Basement And Ground Floor 4 Kingly Court London W1B 5PW	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00 Sundays before Bank Holidays; 09:00 - 01:30
19/11677/LIPDPS	Red Lion Public House	14 Kingly Street London W1B 5PR	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
19/02088/LIPDPS	Two Floors	Ground Floor 3 Kingly Street London W1B 5PD	Shop	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00
18/13744/LIPV	Wright Brothers Soho	12 - 13 Kingly Street London	Restaurant	Monday to Saturday; 08:00 -

				00:00 Sunday; 08:00 - 23:00
17/14852/LIPN	Sweaty Betty	1 - 2 Carnaby Street London W1F 9QG	Shop	Monday to Sunday; 08:00 - 20:00
16/11722/LIPVM	Sacred Cafe	13 Ganton Street London W1F 9BL	Cafe	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
17/09470/LIPV	Premises Is 19 Ganton Street	15-21 Ganton Street London W1F 9BN	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
18/07664/LIPDPS	Cirque Le Soir	Basement 15-21 Ganton Street London W1F 9BN	Night clubs and discos	Monday; 00:00 - 00:00 Wednesday to Saturday; 00:00 - 00:00
19/12271/LIPCH	Rosas	23A Ganton Street London W1F 9BW	Cafe	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00 Christmas Eve; 12:00 - 00:00 Christmas Eve; 10:00 - 00:00
18/00042/LIPDPS	Jinjuu	Basement And Ground Floor 15 - 16 Kingly Street London W1B 5PT	Restaurant	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
18/03059/LIPDPS	Soho Grind	Basement And Ground Floor 19 Beak Street London W1F 9RP	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
19/01980/LIPT	Polpo	Ground Floor 41 - 43 Beak Street London W1F 9SB	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
19/09005/LIPCH	Flat Iron	17 Beak Street London W1F 9RW	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday;

				12:00 - 23:00
18/16015/LIPDPS	Dehesa	17 Kingly Street London W1B 5PU	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
06/06301/WCCMAP	Myung Ga Restaurant	15 Beak Street London W1F 9SX	Cafe	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
14/11059/LIPVM	Zebrano	14-22 Ganton Street London W1F 7QU	Pub or pub restaurant with lodge	Monday to Wednesday; 09:00 - 00:00 Monday to Thursday; 10:00 - 23:30 Thursday to Saturday; 09:00 - 01:00 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
19/02999/LIPDPS	Jakata	14 - 22 Ganton Street London W1F 7BS	Public house or pub restaurant	Monday to Wednesday; 09:00 - 00:00 Monday to Thursday; 10:00 - 23:30 Thursday to Saturday; 09:00 - 01:00 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:30 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
19/12004/LIPDPS	The Diner	18 - 20 Ganton Street London W1F 7BX	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
08/10747/LIPN	Regent News	Basement And Ground Floor 45 Beak Street London W1F 9SD	Shop	Monday to Friday; 06:30 - 20:00 Saturday to Sunday; 10:00 - 16:00

15/08543/LIPCH	Pix	Basement And Ground Floor 24 Ganton Street London W1F 7QY	Restaurant	Monday to Thursday; 12:00 - 23:30 Friday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 22:30
14/00895/LIPDPS	Old Coffee House Public House	49 Beak Street London W1F 9SF	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
19/04227/LIPT	Blue Posts Public House	18 Kingly Street London W1B 5PX	Public house or pub restaurant	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:00
14/03870/LIPT	Mother Mash	26 Ganton Street London W1F 7QZ	Public house or pub restaurant	Monday to Friday; 08:00 - 23:00 Saturday to Sunday; 10:00 - 23:00