



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

16 September 2021

21/05450/LIPN - New Premises Licence

9 Suffolk Place
London
SW1Y 4HX

Director of Public Protection and Licensing

St James's

City of Westminster Statement of Licensing Policy

None

Kevin Jackaman
Senior Licensing Officer

Telephone: 020 7641 6500
Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	4 June 2021		
Applicant:	Lhgrp Limited		
Premises address:	9 Suffolk Place London SW1Y 4HX	Ward:	St James's
		Cumulative Impact Area:	None
		Special Consideration Zone:	West End Buffer
Premises description:	According to the application the premises intend to trade as a fine dining restaurant with ancillary bar areas.		
Premises licence history:	There is an existing premises licence in respect of the premises (Licence number 21/08355/LIPVM) a copy of which can be found at appendix 2. A full licence history for the premises appears at appendix 4.		
Applicant submissions:	The applicant has provided submissions addressing the Council's Special Consideration Policy SCZ1. These submissions appear at appendix 3		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Live music:	Indoors, outdoors or both						Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	02:00	02:00	02:00	02:00	01:00
Seasonal variations/ Non-standard timings:	On the morning that GMT changes to BST 1 hour will be added to the terminal hour of any activities where the existing terminal hour for the activities ends after 1am The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day						

Recorded music:	Indoors, outdoors or both						Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	02:00	02:00	02:00	02:00	01:00
Seasonal variations/ Non-standard timings:	On the morning that GMT changes to BST 1 hour will be added to the terminal hour of any activities where the existing terminal hour for the activities ends after 1am The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New						

	Year's Eve through to the commencement time for those activities on New Year's Day
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Performance of dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	02:00	02:00	02:00	02:00	01:00
Seasonal variations/ Non-standard timings:		On the morning that GMT changes to BST 1 hour will be added to the terminal hour of any activities where the existing terminal hour for the activities ends after 1am The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day					

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	23:00
End:	01:00	01:00	02:00	02:00	02:00	02:00	01:00
Seasonal variations/ Non-standard timings:		On the morning that GMT changes to BST 1 hour will be added to the terminal hour of any activities where the existing terminal hour for the activities ends after 1am The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	02:00	02:00	02:00	02:00	01:00
Seasonal variations/ Non-standard timings:		On the morning that GMT changes to BST 1 hour will be added to the terminal hour of any activities where the existing terminal hour for the activities ends after 1am The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:30	01:30	02:30	02:30	02:30	02:30	01:30
Seasonal variations/ Non-standard timings:		The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night					

	refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day On the morning that GMT changes to BST 1 hour will be added to the closing time for the premises where the existing closing hour for the premises ends after 1am
Adult Entertainment:	None

2.	Representations	
2-A	Responsible Authorities	
Responsible Authority:	Metropolitan Police	
Representative:	Reaz Guerra	
Received:	30 June 2021	
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail within the operating schedule to promote the Licensing Objectives.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p>		
Responsible Authority:	Environmental Health	
Representative:	Dave Nevitt	
Received:	28 June 2021	
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety</p>		

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	are expected to be covered by Temporary Event Notices or variation applications
Policy RTN1(A) applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal
Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones for this application is:</p> <ul style="list-style-type: none"> • West End Buffer.

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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.	Appendices
Appendix 1	Premises plans
Appendix 2	Existing premises licence (21/04992/LIPT)
Appendix 3	Applicant supporting documents
Appendix 4	Premises history (21/04992/LIPT)
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 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 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police representation	30 June 2021
5	Environmental Health representation	28 June 2021



Schedule 12
Part A

WARD: St James's
UPRN: 100023349499

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

Premises licence

Regulation 33, 34

Premises licence number:	21/08355/LIPVM
Original Reference:	05/07134/LIPCV

Part 1 – Premises details

Postal address of premises:

Mint Leaf
9 Suffolk Place
London
SW1Y 4HX

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Regulated Entertainment:

- Playing of Recorded Music: Unrestricted
- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted
- Performance of Live Music: Monday to Saturday - 10:00 to 01:00
- Performance of Live Music: Sunday - 12:00 to 00:30
- Provision of facilities for making Music: Monday to Saturday - 10:00 to 01:00
- Provision of facilities for making Music: Sunday - 12:00 to 00:30

Late Night Refreshment: Monday to Saturday - 23:00 to 01:30
Late Night Refreshment: Sunday - 23:00 to 01:00
Sale by Retail of Alcohol: Monday to Saturday - 10:00 to 01:00
Sale by Retail of Alcohol: Sunday - 12:00 to 00:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:00

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

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

Part 2

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

Lhgrp Limited
Canterbury Court Dunn And Co
Suite3.49
1-3 Brixton Road London
SW9 6DE

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

11871753

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

Name: Gerrard McCann

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: Not Supplied
Licensing Authority:

Date: 07 September 2021

This licence has been authorised by Kevin Jackaman 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

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

9. (i) Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
 - (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
 - (c) On Good Friday, 12.00 to 22.30.
 - (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
 - (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
 - (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
 - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) 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;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) 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.

10. Alcohol may be sold or supplied until 01:00 in the morning following weekdays and 00:30 a.m. in the morning following Sundays to persons frequenting the premises for the purpose of musical entertainment and substantial refreshment to which the consumption of alcohol is ancillary. The alcohol must be sold or supplied at a time before:

- (a) the provision of entertainment by persons present and performing or

- (b) the provision of substantial refreshment has ended. There shall be no sale of alcohol to any person admitted to the premises either after midnight or less than half an hour before the entertainment is due to end.



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

Schedule 12
Part B

WARD: St James's
UPRN: 100023349499

Premises licence
summary

Regulation 33, 34

Premises licence number:

21/08355/LIPVM

Part 1 – Premises details

Postal address of premises:

Mint Leaf
9 Suffolk Place
London
SW1Y 4HX

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

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

Regulated Entertainment:

- Playing of Recorded Music: Unrestricted
- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted
- Performance of Live Music: Monday to Saturday - 10:00 to 01:00
- Performance of Live Music: Sunday - 12:00 to 00:30
- Provision of facilities for making Music: Monday to Saturday - 10:00 to 01:00
- Provision of facilities for making Music: Sunday - 12:00 to 00:30

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

Late Night Refreshment: Sunday - 23:00 to 01:00

Sale by Retail of Alcohol: Monday to Saturday - 10:00 to 01:00

Sale by Retail of Alcohol: Sunday - 12:00 to 00:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:00

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

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

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

Lhgrp Limited
Canterbury Court Dunn And Co
Suite3.49
1-3 Brixton Road London
SW9 6DE

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

11871753

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

Name: Gerrard McCann

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

Restricted

Date: 07 September 2021

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.

SCZ1 Policy Submissions

1. The premises is already licensed as Mint Leaf, reference 21/04992/LIPT. Following the completion of a new lease for the premises, this was transferred into my client's name.
2. The premises licence 21/04992/LIPT has only 1 condition on it. The premises previously traded as Mint Leaf. Mint Leaf and was a fine dining premises with a cocktail bar and was used for events
3. There has also never been a review against this existing licence, or, according to our searches and enquiries, any major concerns over the years (it was a converted licence from 2005 and was also trading before this under the old licensing regime). This shows that the operation of Mint Leaf showed no history of concerns or crimes for a fine dining premises and cocktail bar in this location
4. The premises, under me client's operation, will remain as it was previously- It will be a fine dining restaurant with ancillary bar.
5. As you will see from the proposed plans, the premises is a rectangle shape. More than half of the venue is back of house and kitchen space to show the premises is well equipped to operate as a full restaurant. There is a bar at one end of the premises (basement lounge) where patrons can have a drink (and eat as well- there is a separate bar food menu for this area to encourage eating here). There is also a small wine tasting area next to this. The main central space is the restaurant area. There is a private dining area included in this space. You will see a piano on the plans and this will feature in the operation, providing background live music. At the other end of the premises is a restaurant lounge area (restaurant lounge). To access this you will need to be invited by senior management. There is seating for all in this area as well and food will be provided here too. The premises is a sophisticated operation, well staffed, well known chef and restricted by the proposed conditions.
6. A new lease was entered into on 14 May 2021. The head lessor is the Crown and they have been very strict in the operating style. The operation was previously (prior to the lease being completed) approved by both the lessor and head lessor.
7. The lease imposes very strict user provisions and this was not changed from when Mint Leaf operated. The "Permitted Use" under the lease is for use as a high class restaurant and ancillary bar and whose principal purpose is the sale of food.
8. The trading concept is approved under the lease and cannot be changed without approval from the lessor and head lessor (the Crown)
9. Attached is a concept/ design booklet showing decadence and expense of fitout to match the fine dining experience.
10. My client reinforces the concept approved by the lessor and the head lessor, the Crown by way of a proposed condition that reads "The principal purpose of the venue shall be a restaurant with ancillary bar use, where the sale of food is the principal purpose"
11. It is noteworthy that under this application the applicant is proposing 40 conditions dealing with policy considerations and all of the licensing objectives. The conditions fully dictate how the premises can operate. The premises cannot become a bar, club, sev venue or the like. Food sales must be the primary focus of the venue (by proposed condition and under the lease so there is double protection)
12. It is also noted that the Licensing Authority is concerned that restaurant premises do not operate as "vertical drinking" premises where customers consume alcohol standing throughout the evening. You will see from the proposed conditions that the proposed capacity and available seating levels are the same number- 300- so seating for all patrons will be offered.
13. The capacity proposed under this application is less than the capacity of Mint Leaf. The capacity of Mint Leaf was 500. (This is shown on the marriage licence which had a

capacity of: 'Mint Leaf Main Restaurant - 400 Jaipur Room – 100'). So this application represents a decrease in capacity of 40%, or 200 persons.

14. We also note that Mint Leaf also held a marriage licence so there were large events happening at the venue, meaning the conditions proposed for events are not new.
15. In respect of paragraph D48, in addition to points raised above we also say the following:
 - a) Given the nature of the premises, our own research indicates the Mint Leaf was not the focus of any of the crimes mentioned.
 - b) This application proposes, in its operating schedule a myriad of up to date and enforceable conditions restricting the trade and promoting the licensing objectives to ensure moving forward the venue is not adding to any cumulative impact in the neighbouring areas.
 - c) Full Restaurant conditions are agreed for main restaurant space with some relaxation in other areas, just like Mint Leaf- but with more clarity for enforcement purposes.
 - d) In respect of incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault, we rely on the style of operation. Fine dining restaurants have minimal call outs for all of these concerns. WCC policy recognises restaurants normally represent a low risk to the licensing objectives if sufficient conditions and controls are in place. We would submit the 40 proposed conditions are adequate controls
 - e) There will be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
 - f) There will be CCTV at the premises.
 - g) There will be high service levels at the premises
 - h) There will be a door host at the venue welcoming patrons and assisting with transport away from the premises
 - i) Clientele of fine dining restaurant are less likely to use public transport. Clientele much more likely to use taxis or drive to the venue.
 - j) The premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council
 - k) We also note the premises has an external smoking courtyard in the basement so my client will be able to keep the entire operation within building confines/boundary. This will eliminate groups outside the premises
 - l) Persons attending the premises will have restaurant bookings and will arrive at set times so there will not be queuing outside the venue
 - m) There is parking outside the venue for cars and motorbikes, as well as loading bays
 - n) There are no licensable activities on the ground floor of the premises- it is all in the basement so persons passing will not be drawn into the experience
 - o) The immediate location is not saturated with licensed premises- 5 within 75 metres we believe. There are offices in the rest of the building and no immediate residential neighbours. Entrance to the premises is also just off Haymarket in Suffolk Place so off the main thoroughfare. This premises is the only licensed venue on the block.
 - p) The licensable hours premises nearby have are mixed and so the proposed hours are not repeated in any of the nearby licensed premises so the venue, even trading as a fine dining restaurant with ancillary bars will not add to increased persons on the street at key times, and patrons of other licensed premises will not leave at the same time



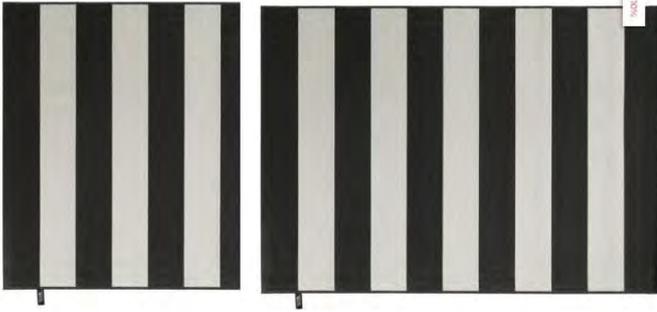
UPPER ENTRANCE, STAIRWELL, RECEPTION

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BAR AREA

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EXTERIOR

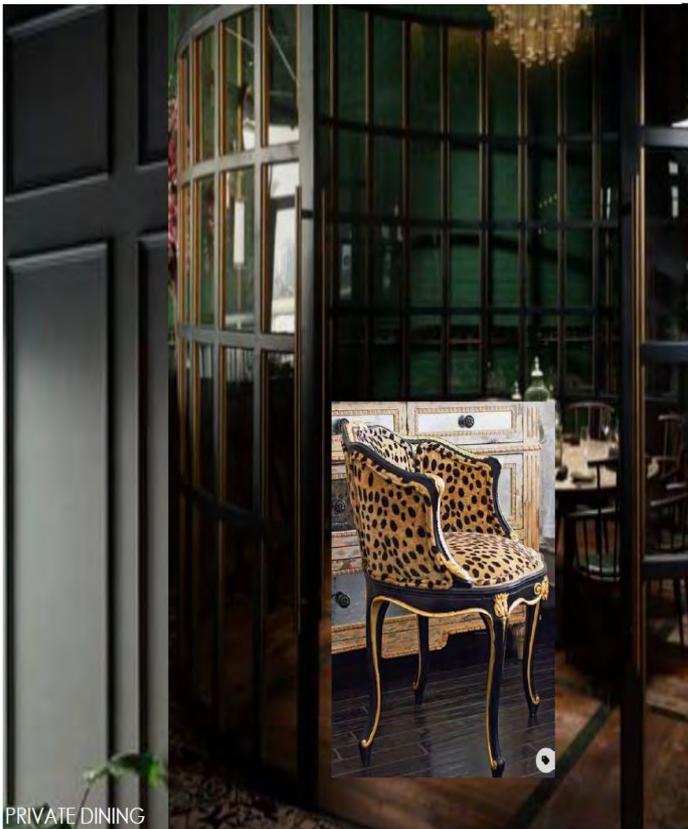


PIANO AREA

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MAIN RESTAURANT



PRIVATE DINING



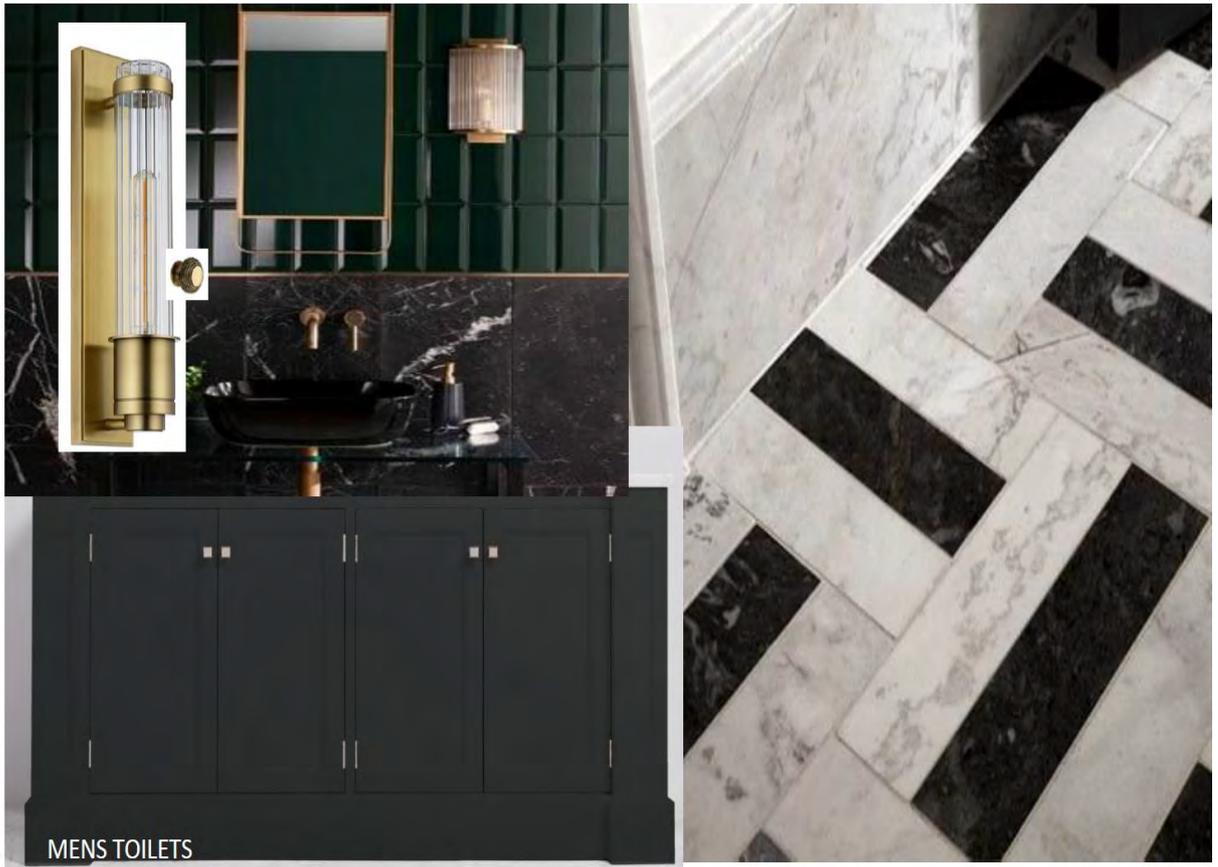


TOILETS



RESTAURANT TOILETS

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MENS TOILETS



LOUNGE AREA

Licence & Appeal History (21/04992/LIPT)

Licence Number	Application	Date of Decision	Decision
05/07134/LIPCV	Conversion of Premises Licence	29.09.2005	Granted at Licensing Sub-Committee
07/01037/WCCMAP	Master licence	03.07.2007	Granted under Delegated Authority
19/00057/LIPT	Transfer - Out Of Africa Investments Ltd to Kinnaire House S.A.R.L	22.01.2019	Granted under Delegated Authority
21/04992/LIPT	Transfer - Kinnaire House S.A.R.L to Lhgrp Limited	05.07.2021	Granted under Delegated Authority
21/08355/LIPVM	Minor variation - change of layout	07.09.2021	Granted under Delegated Authority

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 principal purpose of the venue shall be a restaurant with ancillary bar use, where the sale of food is the principal purpose

10. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 300 persons in the basement.
11. Seating shall be provided for 300 persons except if there is pre-booked function at the function
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. With the exception of condition 14, the premises shall only operate as a restaurant, (i) in which customers are shown to their table or the customer will select a table themselves, (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, (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises, (v) 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.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

14. The sale and supply of alcohol at the premises shall only be to persons taking a substantial table meal there except:-
 - (1) to a maximum of 50 persons in the basement lounge area cross hatched on the plan and 80 persons in the basement restaurant lounge cross hatched on the plan; and 20 persons in the basement vault. Menu's shall be displayed in the basement lounge, the basement restaurant lounge and the vault and food shall be readily available to be served in these areas at all times; or
 - (2) to persons attending a pre-booked private function where substantial food must be available as part of the booking.
15. In relation to the basement restaurant lounge there shall be no admission after (midnight) other than to:
 - (1) guests of the owner or DPS of their venue and their bona fide guests, a list of which will be kept at the premises and available for immediate inspection by the authorities for 31 days, or
 - (2) persons attending a pre-booked function
16. There shall be no licensable activities on the ground floor
17. Waiter/waitress service shall be provided throughout the premises
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. (d) All

recordings shall be stored for a minimum period of 31 days with date and time stamping.
(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period

19. 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
20. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
21. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria: (a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses, (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder, (c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team, (d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and (e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
22. 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.
23. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
24. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises, save for alcohol consumed at the outside tables and chairs shown on the licence plan, which shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal..
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
27. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
28. Patrons permitted to temporarily leave and then re-enter the premises on the street, e.g. to smoke or make a phone call, shall be limited to (6) persons at any one time.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

31. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
32. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
33. A 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.
34. 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.
35. There shall be no sales of hot food or hot drink or alcohol for consumption off the premises after 23.00 hours..
36. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
37. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
39. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
40. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
41. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
42. The certificates listed below shall be submitted to the licensing authority upon written request. (a) Any permanent or temporary emergency lighting battery or system (b) Any permanent or temporary electrical installation (c) Any permanent or temporary emergency warning system
43. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
44. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate

provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority..

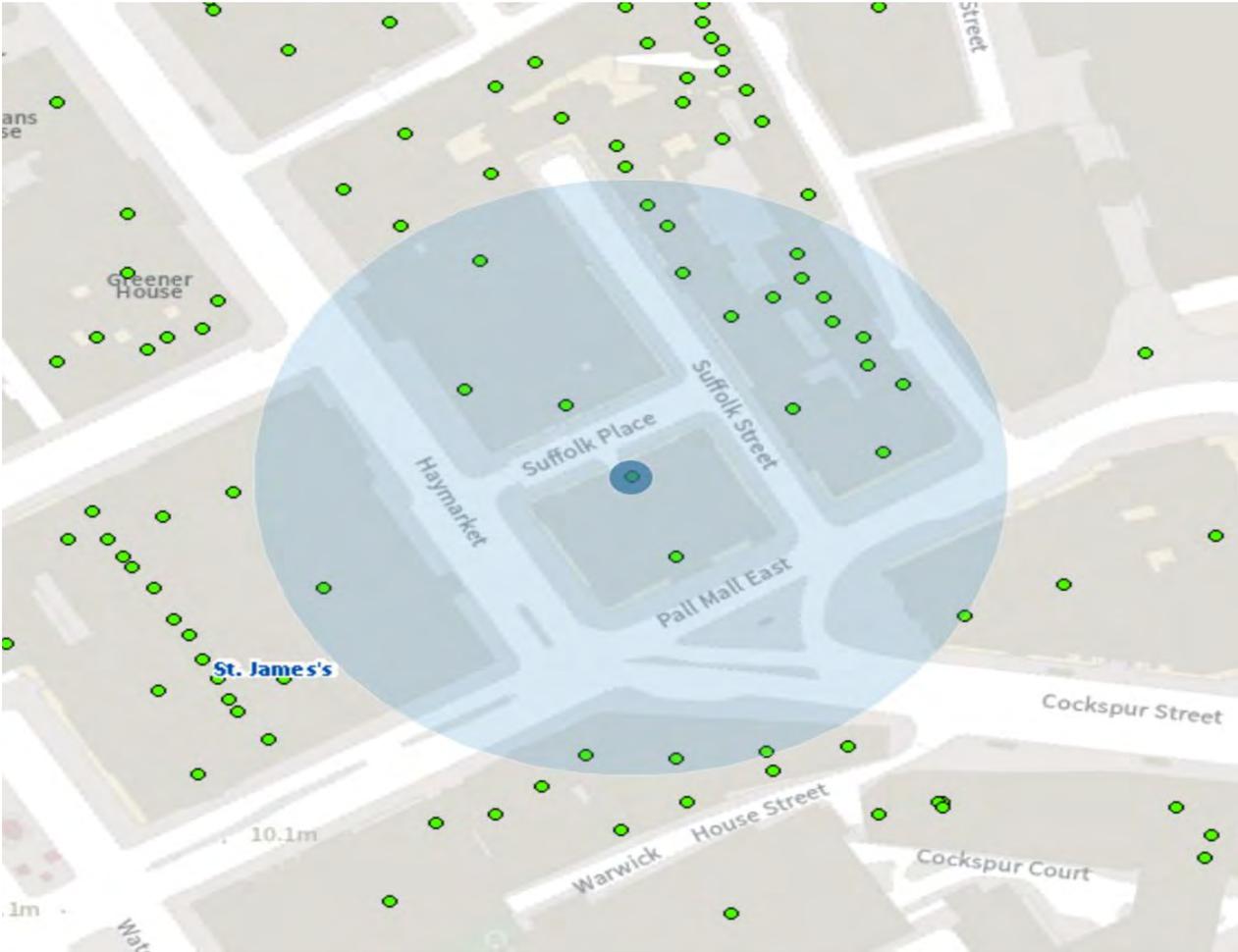
45. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority
46. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
47. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00 hours.
48. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

Conditions proposed by the Environmental Health

None

Conditions proposed by the Police

None



Resident Count: 1

Licensed premises within 75 m of 9 Suffolk Place London, SW1

Licence Number	Trading Name	Address	Premises Type	Time Period
21/04992/LIPT	Mint Leaf	9 Suffolk Place London SW1Y 4HX	Office	Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 01:30
21/07061/LIPDPS	Haymarket Hotel	1 Suffolk Place London SW1Y 4HX	Hotel, 4+ star or major chain	Monday; 07:00 - 03:00 Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Tuesday; 07:00 - 03:00 Wednesday; 00:00 - 00:00 Wednesday; 07:00 - 03:00 Thursday; 07:00 - 03:00 Thursday; 00:00 - 00:00 Friday; 07:00 - 03:00 Friday; 00:00 - 00:00 Saturday; 07:00 - 03:00 Saturday; 00:00 - 00:00 Sunday; 09:00 - 00:00 Sunday; 00:00 - 00:00
18/08436/LIPVM	Theatre Royal	Theatre Royal 8 Haymarket London SW1Y 4HT	Theatre	Saturday; 09:00 - 00:00 Sunday; 14:00 - 00:00 Monday to Friday; 09:00 - 04:00
19/12448/LIPN	Shadow Licence	New Zealand House 80 Haymarket London SW1Y 4TE	Not Recorded	Monday to Sunday; 00:00 - 00:00