



City of Westminster

Item No:	
Date:	23 September 2021
Licensing Ref No:	21/02909/LIPN - New Premises Licence
Title of Report:	Milk and Honey (Shadow Licence) 61 Poland Street London W1F 7NU
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

Licensing Sub-Committee Report

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	1 April 2021		
Applicant:	Mrs Heena Rajiv Sodha		
Premises:	Milk and Honey		
Premises address:	61 Poland Street London W1F 7NU	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application is for a shadow licence on behalf of freeholder of the premises		
Premises licence history:	<p>The premises have had the benefit of a premises licence since September 2005 however the original premises licence lapsed in November 2013 when the licence holder went into liquidation.</p> <p>A new premise licence was granted in May 2014. The current premises licence (licence number 20/10038/LIPT) is attached as Appendix 2 of this report.</p> <p>A full licence history for premises licence 20/10038/LIPT appears at appendix 4.</p>		
Applicant submissions:	None		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Performance of dance, film, performance of live music, recorded music and anything of a similar description:	Indoors, outdoors or both						Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	02:00
Seasonal variations/ Non-standard timings:	<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30. Sundays before bank holidays (except Easter Sunday) 09:00 to 03:00.</p>						

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	03:30	03:30	03:30	03:30	03:30	03:30	02:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30. Sundays before bank holidays (except Easter Sunday) 23:00 to 03:30.					

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:	03:00	03:00	03:00	03:00	03:00	03:00	00:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30. Sundays before bank holidays (except Easter Sunday) 09:00 to 03:00.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	03:30	03:30	03:30	03:30	03:30	03:30	02:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30. Sundays before bank holidays (except Easter Sunday) 09:00 to 03:30.					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Licensing Authority
Representative:	Roxsana Haq
Received:	22 April 2021 (withdrawn 5 July 2021)
I write in relation to the application submitted for a new premises licence for: 61 Poland Street, London W1F 7NU	
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 have considered your	

application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

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

The application is made by the freeholder of the premises for a 'shadow' licence of premises licence 20/10038/LIPT.

The Licensing Authority has reviewed the application against the current premises Licence and it has been made on the same terms and with the same conditions as the existing licence.

In the Council's statement of Licencing Policy, point D.20 and F.39 state:

"The Licensing Authority may consider granting applications for licences within the West End Cumulative Impact Zone that duplicate the terms and conditions of the current operational licence for that same premises but are issued to the landowner, or other person with an interest in the property and that the licence has not affect by condition. These 'Shadow Licences' are normally sought by the landowner to protect the interest of their property due to the policy to refuse certain new applications. A Shadow Licence will, in the event that a licence lapses, is surrendered or is revoked the property own can look to market the property with the licence. The holder of the Shadow Licence would in those circumstances need to apply to the Licensing Authority to vary the licence to remove any conditions preventing the use of that licence. At that point the Licensing Authority will consider whether the operation of the premises is likely to be an exception to policy. It will be for the Shadow Licence licensee to demonstrate that they are an exception within the applications operating schedule."

With this in mind the Licensing Authority would like the applicant to accept the Council's model condition 97 which states:

"The shadow licence will not take effect when the current licence is in operation, or it lapses, is surrendered or revoked."

Subject to the above the Licensing Authority will be minded to withdraw its objection.

Please accept this as a formal representation and I look forward to hearing from you soon.

Following agreement of further conditions, the Licensing Authority withdrew their representation on 5 July 2021

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	29 April 2021 (Withdrawn 19 July 2021)
We write to make a relevant representation to the above application on behalf of The [REDACTED] [REDACTED]	

The [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 Zone.

About The [REDACTED]

The [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

Sale of alcohol: Mon-Sat: 10:00 - 03:00. **Sun:** 12:00 - 00:30

Late night refreshment: Mon-Sat: 23:00 - 03:30. **Sun:** 23:00 - 02:00

Films/Live music/Recorded music/Anything similar/ Performance of dance:

Mon-Sat: 09:00 - 03:00. **Sun:** 23:00 - 02:00

Opening hours: Mon-Sat: 09:00 - 03:30. **Sun:** 09:00 - 02:00

Capacity : 160

The application is for a shadow licence on behalf of the freeholder for premises licence 20/10038/LIPT.

The [REDACTED]

The [REDACTED] the representation from a resident (reference :) objecting to this application for a shadow licence on the same terms as the existing licence 20/10038/LIPT. We object on the grounds that it will fail to promote the Licensing Objectives and will add to cumulative impact in the West End Cumulative Impact Zone.

Operating Schedule: the applicant has failed to provide any information on the operation of these premises in the form of an Operating Schedule, this is disappointing considering the new Statement of Licensing Policy 2021 clearly highlights this particular issue, the document states (Applicants p.6) ... *'applicants should include as much detail as possible in the operating schedule to enable responsible authorities and other parties to understand the operation of the venue.'* This has not happened in this case, it places us and residents at a disadvantage in not being able to fully address the potential impact of this application on the licensing objectives. Furthermore, you will be aware of a recent decision of the Licensing Sub-Committee (20/08824/LIPN) to refuse a shadow licence, it was critical of the lack of information to assess the application on its merit.

Night-time economy: Soho is at the forefront of the late-night economy in Westminster with its numerous restaurants, bars and entertainment establishments. The area is densely populated at night with people out on the streets, resulting in high levels of noise / disturbance, crime and disorder and antisocial behaviour. In Soho between **01:00 - 03:00 there are 107 licensed premises, capacity information being available for 91 premises gives a total of 18,305. Of the 107, 40 premises hold a 3am licence, with a capacity of 9,104 for 39 premises.** To grant this shadow licence application cannot be justified it will add to cumulative impact in the West End Cumulative Impact Zone, there are no exceptional circumstances in this case.

Statement of Licensing Policy 2021

This application seeks a new premises licence which includes the sale of alcohol until 3am Mon-Sat with a capacity of 160 within the West End Cumulative Impact Zone. As presented it is contrary to the Core Hours Policy HRS1, Pubs & Bars Policy PB1, Music and Dance and Dance Premises MD1, Cumulative Impact Policy CIP1.

- **Hours Policy HRS1;** this policy is clear, E2 states, *'Core hours are an essential element to ensure businesses can operate for a reasonable period whilst protecting the impact on the*

licensing objectives. In our view core hours for a cocktail bar is a 'reasonable period' anything beyond this in Soho will harm the licensing objectives. It goes on to state at E10, *'The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives. The hours at which noise may occur and disturbance of residence rest, relaxation and sleep will be of particular concern.'* We are in no doubt that a new 3am licence will impact residents as described and in so doing will fail to comply with this and other policies the Council must consider on the effect of later opening hours in particular PN1, A. *'The Licensing Authority will not grant applications that do not promote the prevention of public nuisance licensing objective,'* similarly CD1, ... *'and will not grant applications that do not promote the prevention of crime and disorder licensing objective.'* HRS1, CD1 and PN1 all indicate refusal on the merits of the application, in this case the applicant has failed to provide any information, it therefore fails the test.

- **Public Houses and Bars Policy PB1 and Music and Dance Premises MD1;** it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than to, *'1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, 2. Applications to seek to vary the existing licence so as to reduce the overall capacity of the premises.'* It goes on, under the reasons for this policy, F80 states, *'.... Premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder.'* The Council's own policy clearly highlights the negative impact of bars and music and dance venues on residents, we've also shown there to be a large concentration of late night premises in this area, this application also fails these tests.
- **Cumulative Impact Policy CIP1;** this area has been identified by the Westminster City Council as under stress because of 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 Cumulative Impact Assessment 2020 highlights the cumulative impact in West End Zone 1 (p9) stating, ***'The rate of incidents per square kilometre observed here, as well as the rate of licensed premises per square kilometre was approximately 9 times than the borough's average rate. For crimes in particular, the rate was 10 -13 times higher between 6pm - 6am compared to the borough average.'*** (our emphasis). It also highlights the impact of bars in an area, F82 stating, *'among specific premises types assessed within the CIA, pubs and bars were one of the top licensed premises operation types that were most significantly aligned with incidents in their proximity.'* Furthermore, the evidence presented in the Cumulative Impact Assessment document supported further policy restrictions in the West End, However, the impact of COVID-19 has resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but this may change.
- The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). The policy provides an assumption to refuse pubs and bars, music and dance venues and fast food premises. The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (D.11 of the policy). The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and wellbeing of local residents and 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 this historic area. This policy including PB2 and MD2 all indicate refusal of the application unless the applicant can demonstrate 'genuinely exceptional' circumstances, the applicant has failed to demonstrate an exception.

The Licensing Objectives

The Statement of Licensing Policy 2021 or Section 182 Guidance does not provide for any circumstance, including exceptional or otherwise, which would permit an application to be granted if the licensing objectives were harmed. We now consider the impact of this application on these objectives.

Prevention of Crime and Disorder - CD1

Under this Policy the criteria applied is, *'whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.'*

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, ***it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.*** It goes on to detail the number and types of crimes in the West End,

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.
- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). **Robberies Night, 2237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1529 (40%).** Noise Complaints Night, 1389 (16%). Reactive Waste Management, 6630 (10%). Ambulance call outs to locations of licensed premises, 5353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9662 (16%). **Total = 50,594.**
- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** most common crime type in the borough, in the evening and night they are particularly concentrated in the West End and along Oxford Street.

For residents living in Soho the findings of the Cumulative Impact Assessment is unsurprising, Soho transforms in the evening and night-time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above criminal activity associated with the large number of late-night venues and the numbers of people on the streets results in high levels of serious crime. In Soho the majority of robberies take place late at night, with people being targeted as they leave late night venues which is evidenced by the crime figures. Drug dealing is a particular problem, groups of dealers congregate to sell drugs and specifically target people as they leave premises. There are more dealers in the area at night than during the day, this is directly linked to the large number of late night venues which creates the drug market.

This application if successful will only increase crime and disorder and fail to promote this licensing objective.

Prevention of Public Nuisance Policy PN1

Under this Policy the criteria applied states, *'the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'*

Due to the high number of late night licences in Soho residents already suffer from late night noise, disturbance (pedicabs playing loud music, waiting taxis), anti-social behaviour including street fouling and high levels of crime and disorder from the existing number of licensed premises in the area. We are particularly concerned that a resident has experienced noise nuisance from the roof terrace and to preserve residential amenity and reduce nuisance we ask that, if the Licensing Sub-Committee is minded to grant this application, stricter conditions are applied to the use of the terrace, we propose the following;

- Restriction on the number of people allowed on the roof at anyone time, capacity to be agreed by the EHO.
- 9pm closure of the roof terrace with no entry after this time (this must be enforced).
- Amplified / live music to cease at 2am.

In summary

This application is made on behalf of the freeholder for premises licence 20/10038/LIPT, a late night licence with a terminal hour of 3.30am Mon- Sat and 2am Sunday. We have shown Soho to be saturated with late night licences with 107 premises from 1am to 3am with a capacity of 18,305 (for 91 premises). We have shown the application to fail all policy tests and if granted it will fail to promote the Licensing Objectives and increase cumulative impact in the West End CIZ, therefore it should be refused.

Following consultation, the representation was withdrawn on 19 July 2021

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	09 April 2021 (Withdrawn 06 September 2021)

I have concerns about the potential noise levels from the premises roof terrace which is close to my flat. It is [REDACTED] but the terrace overlooks a communal courtyard and noise echoes around the space. Particularly concerned about late night as this application is for licensing until 3am. I would (and my other neighbours too) like reassurance that the roof terrace will not be used after midnight for example and there is some soundproofing with plants or screens, etc..

There are neighbours - who I know are also going to leave comments - whose bedrooms are almost opposite the terrace. This was an ongoing issue when the premises were Milk & Honey and I believe complaints were made to Westminster Council noise control over time. Some summer nights when there were many people on the terrace and I had my windows open, I could not even hear my TV because of the noise. I would hope that there would be some consideration for the neighbours. Thank you.

Following consultation, the representation was withdrawn on 06 September 2021

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	11 April 2021

This property backs onto Sandringham Court in Dufours Place. Any licence granted must take into account the right of residents to have a peaceful nights sleep.

The roof terrace is very close to the rear windows of Sandringham Court & therefore should be off limits from 22:30 at the latest.

Please note that there are 25 residential units in Sandringham Court

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	08 April 2021

Strongly object to live music and recorded music to 3.30am in a premises with which backs on to a residential street on border of the stress zone. A live music license is not acceptable in this location. 3.30am six nights a week and 2am on a Sunday is not acceptable in a residential part of Soho which will cause nuisance to residents including children and disabled.

This building has a roof terrace which has historically been problematic with groups drinking and making loud cackling noises, as people do when drunk, into the night. Restrictions were placed on the previous venue: no alcohol on roof, terrace not occupied after 9pm (even for smoking), groups of no more than three people on the terrace at any time. No barbecues on the roof or smoke pollution from the premises.

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>B. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>C. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
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,</p>

	<p>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.
<p>Policy PB1(B) applies</p>	<p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be</p>

	<p>granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D. <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>
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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 Licence 20/10038/LIPT
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 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	Licensing Authority representation	22 April 2021 (withdrawn 05 July 2021)
5	Interested Party representation (1)	19 April 2021 (withdrawn 19 July 2021)
6	Interested Party representation (2)	09 April 2021 (withdrawn 06 September 2021)
7	Interested Party representation (3)	11 April 2021
8	Interested Party representation (4)	08 April 2021



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

Schedule 12
Part A

WARD: West End
UPRN: 100023471418

Premises licence

Regulation 33, 34

Premises licence number:

20/10038/LIPT

Original Reference:

14/01787/LIPN

Part 1 – Premises details

Postal address of premises:

Milk and Honey
61 Poland Street
London
W1F 7NU

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Exhibition of a Film

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Performance of Live Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Playing of Recorded Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sunday: 23:00 to 02:00
Sundays before Bank Holidays: 23:00 to 03:30 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 00:30
Sundays before Bank Holidays: 12:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:30(Excluding Easter Sunday)

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:

61 Poland St Limited
61 Poland Street
London
W1F 7NU

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

12867011

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

Name: Pierre Marie Bisson

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: 26102
Licensing Authority: London Borough of Tower Hamlets

Date: 17 November 2020



Signed:

This licence has been authorised by Ms Roxsana Haq on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. 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.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
 - (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(7)
 3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
 5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
 6. 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.
 7. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
-

8. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
- (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
9. The responsible person shall ensure that no alcohol is dispensed 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).
10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
11. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
-

12. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

13. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
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Annex 2 – Conditions consistent with the operating Schedule

None



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

14. Substantial food and suitable beverages other than alcohol (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
 15. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment
 16. After 23:00 hours the sale of alcohol is only permitted on any evening where the premises or part of the premises are open for music, dance or entertainment and to:
 - (a) Persons who have paid a minimum annual membership fee of at least £150 payable in advance for music, dancing or entertainment (not to be credited against consumables), a list of all persons who have paid an annual membership fee will be held at reception for inspection by the relevant authority;
 - (b) Persons who have a pre-booked table meal, list to be held at reception
 - (c) bona fide guests of members whilst accompanied by a member (no member to be permitted more than 4 guests at a time)
 - (d) bona fide guests of the proprietor (not exceeding 10% of the total capacity) a list of whom shall be kept at reception
 - (e) Artistes and persons employed on the premises
 - (f) Corporate memberships (the cost no less than £160 per card). No more than 5 guests per membership. All card holders to sign in with name and position in company - such information to be held at reception.
 17. Subject to the following paragraphs, the permitted hours for the sale or supply of alcohol on Monday to Saturday shall commence at 10:00 and extend until 03:00 the following morning except that:
 - (i) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between midnight and 03:00 the following morning, the permitted hours shall end when the music and dancing end.
 18. The permitted hours for the sale or supply of alcohol on Sunday (except immediately before bank holidays) shall commence at 12.00 and extend until 00:30 the following morning except that:
 - (i) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight; and
 - (ii) where music and dancing end between midnight on any Sunday and 00:30 on the following morning the permitted hours shall end when the music and dancing end.
 19. The permitted hours for the sale or supply of alcohol on Sunday immediately before bank holidays shall commence at 12.00 and extend until 03:00 except that:
 - (i) the permitted hours shall end at midnight on any such Sunday on which music and dancing is not provided after midnight; and
 - (ii) where music and dancing end between midnight on any such Sunday and 03:00 on the following morning the permitted hours shall end when the music and dancing end.
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20. The provision of films shall be ancillary to other licensable activities and there shall be no cinema style showing of films.
 21. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
 22. Save for the windows on the stair lobby all windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 23. The external terraced area on the 4th floor shall ceased to be used by patrons and staff after 23:00 hours.
 24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 25. 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. Notices shall also be prominently displayed on the roof terrace stating that no mobile phones shall be used on that roof terrace.
 26. Patrons temporarily leaving the premises such as for the purposes of smoking shall not take any drinks with them and after 23:00 hours shall be limited to a maximum of 15 persons at any one time.
 27. The number of persons accommodated (excluding staff) at any one time shall not exceed:
 - o Basement : 50
 - o Ground Floor: 65
 - o First Floor: 25
 - o Second Floor: 20
 28. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public. This does not prohibit the distribution of leaflets to persons within the premises.
 29. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
 30. 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 authorized officer throughout the preceding 31 day period.
-

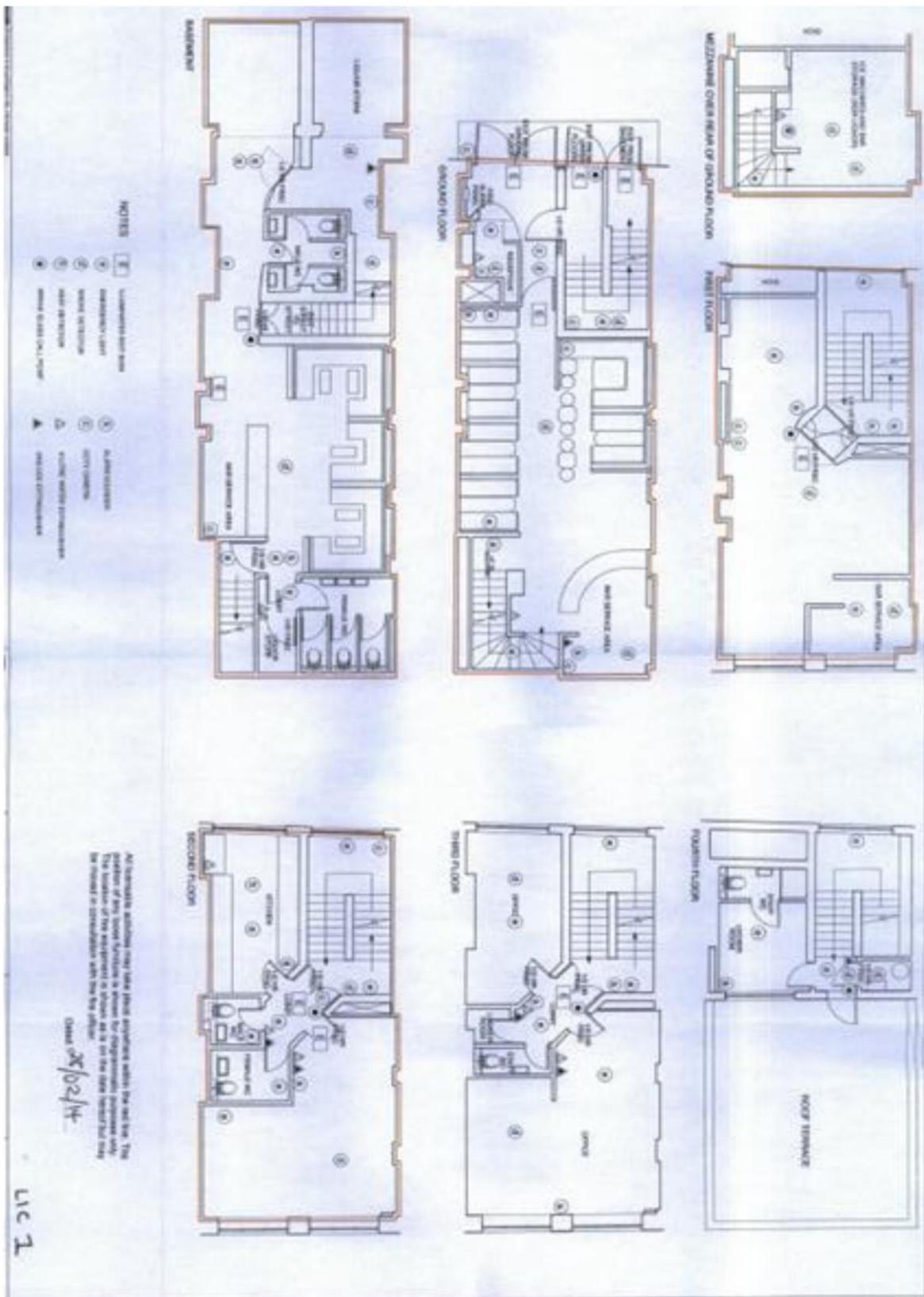
31. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
 32. An incident log shall be kept at the premises, and made available on request to an authorized officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
 33. No deliveries or collections shall be made to or from the premises between 23:00 and 08:00 hours.
 34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 35. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0700 hours.
 36. During the hours of operation 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 the aforementioned 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.
 37. A Challenge 21 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.
 38. The edge of the treads of steps and stairways shall be maintained so as to be conspicuous.
 39. All exit doors shall be available at all material times without the use of a key, code, card or similar means. Any fastenings or electrically controlled locks shall be approved by the Council.
 40. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
 41. 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.
 42. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
 43. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
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44. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should 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, should be non-combustible.
45. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
46. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

47. 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.
 48. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to Westminster City Council Consultation Team where consent has not previously been given:
 - a. dry ice and cryogenic fog;
 - b. smoke machines and fog generators;
 - c. pyrotechnics including fireworks;
 - d. firearms;
 - e. lasers;
 - f. explosives and highly flammable substances;
 - g. real flame;
 - h. strobe lighting.
 49. The certificates listed below, together with, if necessary, satisfactory details of remediation works identified, shall be submitted to the Environmental Health Consultation Team upon written request:
 - a. Any emergency lighting battery or system
 - b. Any electrical installation
 - c. Any fire alarm system.
 50. SIA licences worn by door staff shall be clearly displayed and visible at all times.
 51. 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.
 52. 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 02.00.
 53. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
-

Annex 4 – Plans





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

Schedule 12
Part B

WARD: West End
UPRN: 100023471418

Premises licence
summary

Regulation 33, 34

Premises licence number:

20/10038/LIPT

Part 1 – Premises details

Postal address of premises:

Milk and Honey
61 Poland Street
London
W1F 7NU

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Exhibition of a Film

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Performance of Live Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Playing of Recorded Music

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 09:00 to 03:00
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sunday: 23:00 to 02:00
Sundays before Bank Holidays: 23:00 to 03:30 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 00:30
Sundays before Bank Holidays: 12:00 to 03:00 (Excluding Easter Sunday)

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On the morning on which British summer time begins, the permitted hours shall extend until 04:00 hours and opening hours until 04:30.

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 02:00
Sundays before Bank Holidays: 09:00 to 03:30(Excluding Easter Sunday)

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:

61 Poland St Limited
61 Poland Street
London
W1F 7NU

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

12867011

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

Name: Pierre Marie Bisson

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

Restricted

Date: 17 November 2020



Signed:

This licence has been authorised by Ms Roxsana Haq on behalf of the Director - Public Protection and Licensing.

Applicant Supporting Documents

Appendix 2

Title Number : 49735

This title is dealt with by HM Land Registry, Croydon Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 13 SEP 2021 at 16:13:36 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: 49735
Address of Property	: 61 Poland Street, London (W1F 7NU)
Price Stated	: Not Available
Registered Owner(s)	: CHANDRABALA DALIA, SHEETAL DALIA-PATEL and HEENA SODHA of [REDACTED]
Lender(s)	: None

Title number 49735

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 13 SEP 2021 at 16:13:36. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

CITY OF WESTMINSTER

- 1 (27.02.1902) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 61 Poland Street, London (W1F 7NU).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (30.04.2018) PROPRIETOR: CHANDRABALA DALIA, SHEETAL DALIA-PATEL and HEENA SODHA of [REDACTED]
- 2 (29.12.2015) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a certificate signed by a conveyancer that that conveyancer is satisfied that the person who executed the document submitted for registration as disponent is the same person as the proprietor.
- 3 (30.04.2018) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (03.12.1996) Lease dated 19 November 1996 to Fantasy Bar (London) Limited from 19 November 1996 to 30 June 2021 determinable.

NOTE 1: Lessee's title registered under NGL744334

NOTE 2: By a Deed dated 1 April 1998 made between (1) Chandulal Chatrabhuj Dalia and Chandrabalia Chandulal Dalia (2) Poland Street Holdings Limited and (3) Fantasy Bar (London) Limited the terms of the lease were expressed to be varied. (Copy Deed filed under NGL744334)

End of register

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
14/01787/LIPN	New premises licence	01.05.2014	Granted by Licensing Sub Committee
18/13418/LIPDPS	Variation of DPS	28.05.2019	Granted under delegated authority
20/10038/LIPT	Transfer – 61 Ps Ltd to 61 Poland St Ltd	17.11.2020	Granted under delegated authority

There is no 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.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate

Conditions consistent with the operating schedule

10. Substantial food and suitable beverages other than alcohol (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
11. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment
12. After 23:00 hours the sale of alcohol is only permitted on any evening where the premises or part of the premises are open for music, dance or entertainment and to:
 - (a) Persons who have paid a minimum annual membership fee of at least £150 payable in advance for music, dancing or entertainment (not to be credited against consumables), a list of all persons who have paid an annual membership fee will be held at reception for inspection by the relevant authority;
 - (b) Persons who have a pre-booked table meal, list to be held at reception
 - (c) bona fide guests of members whilst accompanied by a member (no member to be permitted more than 4 guests at a time)
 - (d) bona fide guests of the proprietor (not exceeding 10% of the total capacity) a list of whom shall be kept at reception
 - (e) Artistes and persons employed on the premises
 - (f) Corporate memberships (the cost no less than £160 per card). No more than 5 guests per membership. All card holders to sign in with name and position in company - such information to be held at reception.
13. Subject to the following paragraphs, the permitted hours for the sale or supply of alcohol on Monday to Saturday shall commence at 10:00 and extend until 03:00 the following morning except that:
 - (i) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between midnight and 03:00 the following morning, the permitted hours shall end when the music and dancing end.
14. The permitted hours for the sale or supply of alcohol on Sunday (except immediately before bank holidays) shall commence at 12.00 and extend until 00:30 the following morning except that:
 - (i) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight; and
 - (ii) where music and dancing end between midnight on any Sunday and 00:30 on the following morning the permitted hours shall end when the music and dancing end.
15. The permitted hours for the sale or supply of alcohol on Sunday immediately before bank holidays shall commence at 12.00 and extend until 03:00 except that:
 - (i) the permitted hours shall end at midnight on any such Sunday on which music and dancing is not provided after midnight; and

- (ii) where music and dancing end between midnight on any such Sunday and 03:00 on the following morning the permitted hours shall end when the music and dancing end.
16. The provision of films shall be ancillary to other licensable activities and there shall be no cinema style showing of films.
 17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
 18. Save for the windows on the stair lobby all windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 19. The external terraced area on the 4th floor shall cease to be used by patrons and staff after 23:00 hours.
 20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 21. 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. Notices shall also be prominently displayed on the roof terrace stating that no mobile phones shall be used on that roof terrace.
 22. Patrons temporarily leaving the premises such as for the purposes of smoking shall not take any drinks with them and after 23:00 hours shall be limited to a maximum of 15 persons at any one time.
 23. The number of persons accommodated (excluding staff) at any one time shall not exceed:
 - o Basement : 50
 - o Ground Floor: 65
 - o First Floor: 25
 - o Second Floor: 20
 24. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public. This does not prohibit the distribution of leaflets to persons within the premises.
 25. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
 26. 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 authorized officer throughout the preceding 31 day period.

27. 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 are open. This staff member must be able to provide a Police or authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
28. An incident log shall be kept at the premises, and made available on request to an authorized officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
29. No deliveries or collections shall be made to or from the premises between 23:00 and 08:00 hours.
30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0700 hours.
32. During the hours of operation 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 the aforementioned 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.
33. A Challenge 21 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. The edge of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. All exit doors shall be available at all material times without the use of a key, code, card or similar means. Any fastenings or electrically controlled locks shall be approved by the Council.
36. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.

37. 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.
38. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
39. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
40. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should 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, should be non-combustible.
41. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
42. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

43. 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.
44. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to Westminster City Council Consultation Team where consent has not previously been given:
 - a. dry ice and cryogenic fog;
 - b. smoke machines and fog generators;
 - c. pyrotechnics including fireworks;
 - d. firearms;
 - e. lasers;
 - f. explosives and highly flammable substances;
 - g. real flame;
 - h. strobe lighting.
45. The certificates listed below, together with, if necessary, satisfactory details of remediation works identified, shall be submitted to the Environmental Health Consultation Team upon written request:
 - a. Any emergency lighting battery or system
 - b. Any electrical installation
 - c. Any fire alarm system.
46. SIA licences worn by door staff shall be clearly displayed and visible at all times.
47. 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.

48. 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 02.00.
49. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

Conditions proposed by the Licensing Authority

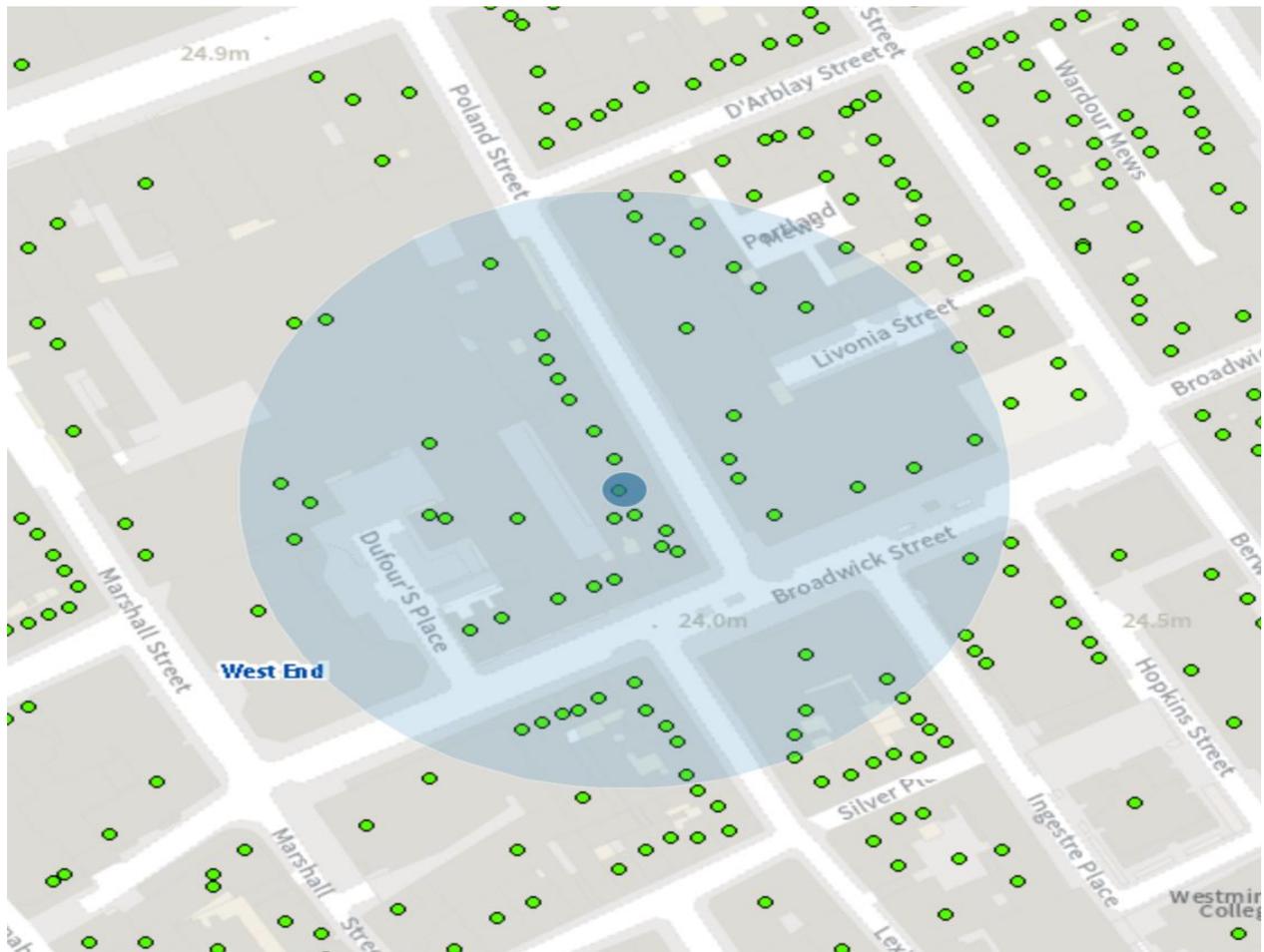
50. The shadow licence will not take effect when the current licence is in operation, or it lapses, is surrendered or revoked

Conditions proposed by the Environmental Health

None

Conditions proposed by the Police

None



Resident Count: 117

Licensed premises within 75 m of 61 Poland Street, London, W1				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/10038/LIPT	Milk And Honey	61 Poland Street London W1F 7NU	Night clubs and discos	Sunday; 09:00 - 02:00 Monday to Saturday; 09:00 - 03:30 Sundays before Bank Holidays; 09:00 - 03:30
21/08299/LIPT	Star & Garter	62 Poland Street London W1F 7NX	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays

				before Bank Holidays; 12:00 - 00:00
17/05709/LIPVM	Tapas Brindisa Soho	46 Broadwick Street London W1F 7AF	Restaurant	Monday to Sunday; 10:00 - 00:30
14/00083/LIPDPS	Social Eating House	58 Poland Street London W1F 7NR	Restaurant	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:00
20/11111/LIPN	Not Recorded	58-59 Poland Street London W1F 7NR	Restaurant	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
18/05402/LIPDPS	John Snow	39 Broadwick Street London W1F 9QJ	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
15/02234/LIPN	Said London	41 Broadwick Street London W1F 9QL	Shop	Sunday; 08:00 - 22:30 Monday to Saturday; 08:00 - 23:00
18/10173/LIPDPS	Itsu	31 Broadwick Street London W1F 0DG	Restaurant	Monday to Sunday; 09:00 - 21:30
21/03989/LIPDPS	Not Recorded	Basement West 33 Broadwick Street London W1F 0DQ	Miscellaneous	Monday to Sunday; 00:00 - 00:00
20/07096/LIPT	Itsu	31 Broadwick Street London W1F 0DG	Restaurant	Monday to Sunday; 09:00 - 21:30
15/03540/LIPRW	Bao	53 Lexington Street	Restaurant	Sunday; 12:00 - 22:30

		London W1F 9AS		Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
13/09832/LIPDPS	Central Convenience Store	43 Broadwick Street London W1F 9QN	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
16/06382/LIPV	Barrio Central Restaurant & Bar	6 Poland Street London W1F 8PS	Wine bar	Sunday; 10:00 - 23:00 Monday to Saturday; 09:00 - 01:15
19/08547/LIPDPS	Z Hotels	First Floor 52 - 53 Poland Street London W1F 7NH	Hotel, 3 star or under	Sunday; 10:00 - 18:00 Monday to Saturday; 08:00 - 21:00
12/08061/LIPV	Lucky Voice	Basement 52 - 53 Poland Street London W1F 7NQ	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 03:00
21/07169/LIPDPS	Comptoir Libanais	Ground Floor 52 - 53 Poland Street London W1F 7NQ	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 00:30
20/07266/LIPT	Not Recorded	Basement And Ground Floor 49 Lexington Street London W1F 9AP	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 New Year's Eve; 00:00 - 00:00
17/06881/LIPN	Nespresso	Amalco House 26 - 28 Broadwick Street London W1F 8JB	Not Recorded	Sunday; 07:00 - 22:30 Monday to Saturday; 07:00 - 23:00
18/07467/LIPDPS	Ivy Soho Brasserie	Amalco House 26 - 28 Broadwick Street London W1F 8JB	Restaurant	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30

06/06539/WCCMAP	Academy Club	First Floor Front 46 Lexington Street London W1F 0LP	Wine bar	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
15/06465/LIPVM	Andrew Edmunds	Basement And Ground Floor 46 Lexington Street London W1F 0LP	Wine bar	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
17/14875/LIPRW	(Delicatessen)	Basement And Ground Floor Munro House 9 Poland Street London W1F 8PY	Cafe	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 00:00