



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

17 March 2022

Licensing Ref No:

21/10287/LIPV - Premises Licence Variation

Title of Report:

Whyte And Brown
Ground Floor Unit 2 and 1.4 to 1.6
Kingly Court
London
W1B 5PW

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:

Jessica Donovan
Senior Licensing Officer

Contact details

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1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	27 September 2021		
Applicant:	Whyte & Brown Limited		
Premises:	Whyte And Brown		
Premises address:	Ground Floor Unit 2 and 1.4 to 1.6 Kingly Court London W1B 5PW	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	This premises currently operate as a restaurant.		
Variation description:	<p>This variation seeks the following:</p> <ul style="list-style-type: none"> To amend condition 19 to read: <p>Condition 17 on the Premises Licence shall be suspended for a limited period until 30 September 2022 save that substantial food shall be available throughout the premises at all times after which time the condition shall be reinstated and remain to have full force and effect.</p>		
Premises licence history:	The premises have had the benefit of a premises licence since 2013. A copy of the current premises licence (21/08094/LIPDPS) can be found at Appendix 2 of this report. Please see Appendix 3 for the full licence history.		
Applicant submissions:	There are no supporting documents from the applicant.		
Applicant amendments:	None		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Both			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Ground and First floor	No change
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday	N/A	N/A				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground and First floor	No change
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			Proposed: No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	23:30	No change		Ground and First floor	No change
Tuesday	07:00	23:30				
Wednesday	07:00	23:30				
Thursday	07:00	23:30				
Friday	07:00	00:00				
Saturday	07:00	00:00				
Sunday	07:00	22:30				
Seasonal variations/ Non-standard timings:		Current: None			Proposed: No change	

1-C Conditions proposed to be varied	
Condition	Proposed variation
19. Condition 19 on the Premises Licence shall be suspended for a limited period until 30 September 2021 save that substantial food shall be available throughout the premises at all times after which time the condition shall be reinstated and remain to have full force and effect.	19. Condition 17 on the Premises Licence shall be suspended for a limited period until 30 September 2022 save that substantial food shall be available throughout the premises at all times after which time the condition shall be reinstated and remain to have full force and effect.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Kevin Jackaman
Received:	25 October 2021

I write in relation to the application submitted for a new premises licence for Whyte and Brown, Units G2 and 1.4 to 1.6 Kingly Court, London, W1B 5PW

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 four Licensing Objectives:

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

The application seeks the following:

To suspend Condition 17 on the Premises Licence (as set out below) for a limited period until 30 September 2022 save that substantial food shall be available throughout the premises at all times after which time the condition shall be reinstated and remain to have full force and effect.

Condition 17. The premises (including the external seating area) shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.

All other conditions to remain so there will be no vertical drinking and all patrons seated and served at tables as at present.

The premises are located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1 and PB1(B).

Policy CIP1 states:

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:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. 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.

D. 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.

Policy PB1(B) states:

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

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.

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.

The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority has concerns over the proposed suspension of condition 17 (albeit on a time limited basis) as the suspension of this condition means there is no ancillary nature to the Sale of Alcohol and therefore policy PB1(B) is relevant and as such the applicant must provide exceptional circumstances as to why the application should be granted when the policy is to refuse.

It will be for Licensing Sub-Committee Members to determine this application, given its location within the West End Cumulative Impact zone.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

2-B Other Persons

Name:

██████████

Address and/or Residents Association:

██████████

Status:

Valid

In support or opposed:

Opposed

Received:

25 October 2021

We write to make a relevant representation to the above application on behalf of T ██████████

██████████

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

About ██████████

██████████ is a charitable company limited by guarantee established in 1972. ██████████

██████████ 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.

Application summary

Premises variation

The application provides for the continuation of a relaxation of the restaurant conditions for the premises until 30th September 2022

Current licence 21/08094/LIPDPS

Sale of alcohol: Mon-Thurs: 10:00 - 23:30. **Fri-Sat:** 10:00 - 00:00. **Sun:** 12:00 - 22:30.

Late Night Refreshment: Mon-Thurs: 23:00 - 23:30. **Fri-Sat:** 23:00 - 00:00.

Opening hours: Mon-Thurs: 07:00 - 23:30. **Fri-Sat:** 07:00 - 00:00. **Sun:** 07:00-22.30

Position

The application

██████████ objected to the original application 20/06404/LIPV where the applicant applied to suspend the restaurant condition during the COVID period as defined in the Business and Planning Act 2020 until the 30th of September 2021. We maintain our objection on the same grounds, the application if successful would facilitate a change of 'character' from a restaurant to an indoor and outdoor bar where 140 patrons can purchase alcoholic drinks without food, the Statement of Licensing Policy 2021 RNT1 is against such changes, it states,

'The Licensing Authority, however, is not minded to relax conditions for restaurants where alcohol may be consumed by persons as an ancillary to their substantial table meal.'

'However, it will prioritise its enforcement efforts at preventing a change of character of the premises towards bar use.' (F102)

Soho has over 220 restaurants, if all applied to remove their restaurant condition Soho would turn into one large bar, it would have a huge detrimental impact on the area and change its character forever.

We also find there is no justification for the continued suspension of condition 19, Soho has fully recovered the streets are heaving with people, it is noticeable there are more people on the streets in the evening now that at pre-Covid times. The Cumulative Impact Assessment 2020 provided overwhelming evidence of the year on year increase in the level of cumulative impact in the West End and it supported further policy restrictions, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but it may (in the lifetime of the policy) review it if footfall moves toward pre-March 2020 levels (D1). In our view we have already reached such levels, this application should therefore be refused.

Soho and COVID

██████████ fully recognises the financial difficulties all businesses have suffered over the past year and we have generally been supportive of measures to help local businesses recover. However, the year on year increase in licensed premises has resulted in a deterioration and reduction in residential amenity. Protecting residential amenity is the key aim of the Licensing Objectives. This is supported by the new Statement of Licensing Policy 2021 which states in its Foreword to Policy Section, *'The licensing authorities proposed revisions to the statement of licensing policy will enable the hospitality and entertainment sectors to plan for the short and medium term, whilst maintaining the necessary protection for our residents and promoting the licensing objectives as a whole.'*

Licensed Premises

Soho has a huge number of food and beverage premises with over 220 restaurants, 72 cafés, 39 bars, 46 pubs and 31 clubs (including members clubs). In relation to these premises, there's a large concentration of licensed premises in the area which attracts large numbers of people, Kingly Court with its 12 F&B premises is a foodcourt with outdoor dining on the ground floor, in addition Kingly St and Ganton St has a total of 26 F&B premises also with outdoor dining.

Soho is at the forefront of the evening and night time economy in Westminster, and after midnight Soho is saturated with late night premises, between 1am to 6am there are 114 licensed premises with a capacity of over 21,483, Soho is open 24 hours where alcohol is readily available, any drink led premises will add to cumulative impact in the West End Cumulative Impact Zone.

Statement of Licensing Policy 2021

This application seeks to extend the licensable activity within the West End Cumulative Impact Zone, the following policies apply, Hours HRS1, Restaurant RNT1, Pubs & Bars Policy PB1,

and Cumulative Impact Policy CIP1

Restaurant RTN1; the policy highlights the Licensing Authority's concern that restaurants within the West End Cumulative Impact Zone operate as bars and guards against this.

Public Houses and Bars Policy PB1; it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than,

*'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 pubs on residents. This application proposes a drink led operation therefore the applicant needs to demonstrate an exception to policy, in our view there is no exception in this case, it will fail to promote the licensing objectives CD1 and PN1.

Cumulative Impact Policy CIP1; this area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The 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 nine 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.'

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 it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area. As described above Soho is open for business and thriving, with more people on the streets we are in no doubt cumulative impact is back to pre-Covid levels.

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:** the most common crime type in the borough and in the evening and night this is particularly concentrated in the West End and along Oxford Street.

For residents living in Soho, the findings of the Cumulative Impact Assessment are 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 venues and the numbers of people on the streets results in high levels of serious crime. Drug dealing is a particular problem, with groups of dealers congregating to sell drugs, and they specifically target people as they leave premises. There are more dealers in the area at night than during the day.

This application if successful will 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.'*

Residents in the area already suffer from late night noise, disturbance in the form of pedicabs playing loud music, waiting taxis, plus a range of anti-social behaviour including street fouling. The number of people leaving these premises having been able to consume alcohol without food will impact on residents in the surroundings streets. Drunk people never leave quietly they tend to hand around in the streets making a disturbance whilst waiting for transport home.

In summary

The application proposes to extend the suspension of the restaurant condition for a further year, we find no justification for its continued suspension, it will transform this restaurant into a bar for another year, a change the Statement of Licensing Policy 2021 aims to prevent.

If granted this application will fail to promote the licensing objectives and increase cumulative impact in the West End Cumulative Impact Zone, we respectfully request this application is refused.

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>C. 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>D. 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, 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.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

1. Casinos

Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 9am to Midnight.

3. Delivery Centres

Monday to Saturday: 8am to 11pm.
Sunday: 9am to 10.30pm.

4. Hotels

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.
For the sale of alcohol to guests for consumption in
hotel/guest rooms only: Anytime up to 24 hours.

5. Outdoor Spaces

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.

6. Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday: 10am to 11.30pm.
Friday and Saturday: 10am to Midnight.
Sunday: Midday to 10.30pm.
Sundays immediately prior to a bank holiday: Midday to Midnight.

7. Qualifying Clubs

Monday to Thursday 9am to 11.30pm
Friday and Saturday 9am to Midnight
Sunday: 9am to 10.30pm
Sunday immediately prior to a bank holiday: 9am to Midnight.

8. Restaurants

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.

10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)

Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.

10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises)

Monday to Saturday: 8am to 11pm.
Sunday: 9am to 10.30pm.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

	<p>Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p>Policy PB1 applies</p>	<p>A. Applications outside the West End Cumulative 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 operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. <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 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 operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 3. 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>

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	Applicant supporting documents
Appendix 2	Premises licence 21/08094/LIPDPS
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: Jdonovan@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	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	The Licensing Authority	25 October 2021
5	Interested Party 1	25 October 2021

Applicant Supporting Documents

Appendix 1

There are no supporting documents from the applicant.



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

Schedule 12
Part A

WARD: West End
UPRN: 010033639213

Premises licence

Regulation 33, 34

Premises licence number:

21/08094/LIPDPS

Original Reference:

13/00355/LIPN

Part 1 – Premises details

Postal address of premises:

Whyte And Brown
Units G2 and 1.4 to 1.6
Kingly Court
London
W1B 5PW

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

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

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.

Sale by Retail of Alcohol

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

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.

The opening hours of the premises:

Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:30

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

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

Part 2

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

Whyte & Brown Limited
Hyde Park House
5 Manfred Road
London
SW15 2RS

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

8038369

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

Name: Marco Beretta

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: LN/15292
Licensing Authority: London Borough Of Islington

Date: 9 September 2021

This licence has been authorised by Ola Ajose-Adeogun 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.
- (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.
- (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.
- (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

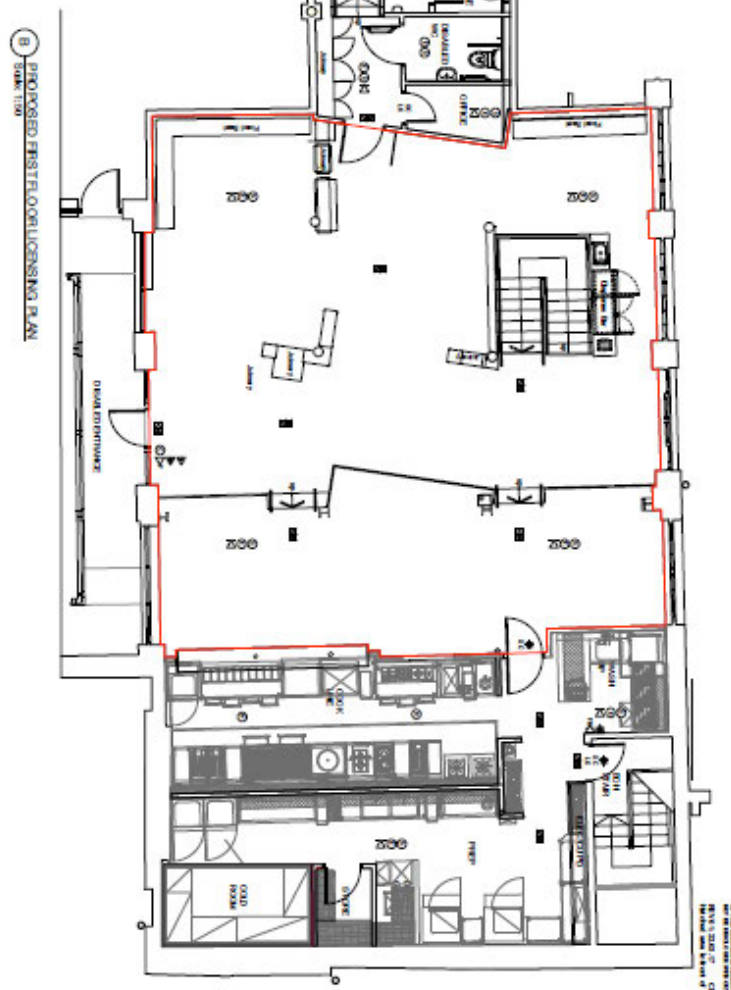
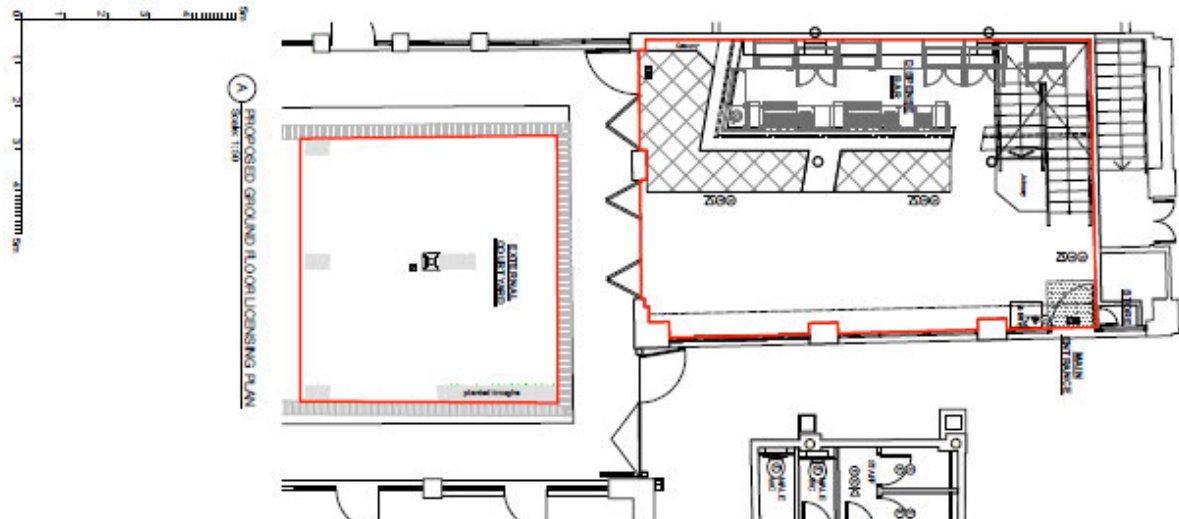
None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
11. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. The supply of alcohol shall be by waiter or waitress service, save in the respect of the area hatched black on the approved plan.
14. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
15. There shall be no sale of alcohol for consumption off the Premises after 23:00 hours.
16. The external seating shall not be used after Core Hours, being 22:30 hours Sunday, 23:30 hours Monday to Thursday and Midnight Friday and Saturday.
17. The premises (including the external seating area) shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
18. 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regards crime and disorder
 - (d) any incidents of disorder (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

19. Condition 19 on the Premises Licence shall be suspended for a limited period until 30 September 2021 save that substantial food shall be available throughout the premises at all times after which time the condition shall be reinstated and remain to have full force and effect.
20. There shall be no vertical drinking allowed on the premises.
21. Only up until the 30 September 2021, the supply of alcohol at the premises (including the external seating area) shall be by waiter or waitress service only.

Annex 4 – Plans



SYMBOLS

⊕	Approved for use
⊖	Not approved for use
⊙	Approved for use
⊗	Not approved for use
⊚	Approved for use
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⊾	Approved for use
⊿	Not approved for use

LEGEND

[Red Outline]	Proposed Licensed Area
[Cross-hatch Pattern]	Proposed Licensed Area

SAMPSON
ARCHITECTS & INTERIORS

DESIGNER	WHYTE & BOWEN LIMITED	SCALE	AS SHOWN
DATE	WHYTE & BOWEN LIMITED	SCALE & ALL	AS SHOWN
PROJECT	PROPOSED 1ST FLOOR LICENSING PLAN	DATE	2024/01/01

THIS PLAN IS THE PROPERTY OF WHYTE & BOWEN LIMITED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WHYTE & BOWEN LIMITED.



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

Schedule 12
Part B

WARD: West End
UPRN: 010033639213

Premises licence
summary

Regulation 33, 34

Premises licence
number:

21/08094/LIPDPS

Part 1 – Premises details

Postal address of premises:

Whyte And Brown
Units G2 and 1.4 to 1.6
Kingly Court
London
W1B 5PW

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

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.

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

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.

The opening hours of the premises:

Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:30

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

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

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

Whyte & Brown Limited
Hyde Park House
5 Manfred Road
London
SW15 2RS

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

8038369

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

Name: Marco Beretta

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

Restricted

Date: 9 September 2021

This licence has been authorised by Ola Ajose-Adeogun on behalf of the Director - Public Protection and Licensing.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
13/00355/LIPN	<p>New premises licence</p> <p>Late Night Refreshment:</p> <p>Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00</p> <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>Sale by Retail of alcohol:</p> <p>Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>	21.03.2013	Granted by Licensing Sub Committee
13/02601/LIPT	Transfer - Shaftesbury Carnaby Ltd to Whyte & Brown Limited	03.05.2013	Granted under delegated authority
13/03104/LIPVM	Minor variation – Change of layout	30.05.2013	Granted under delegated authority
13/03785/LIPDPS	Variation of designated premises supervisor	19.06.2013	Granted under delegated authority
14/00074/LIPDPS	Variation of designated premises supervisor	20.01.2014	Granted under delegated authority
15/00850/LIPDPS	Variation of designated premises supervisor	16.02.2015	Granted under delegated authority

15/05827/LIPDPS	Variation of designated premises supervisor	03.08.2015	Granted under delegated authority
16/03381/LIPV	Variation – Increase in capacity	27.07.2016	Granted by Licensing Sub Committee
16/07386/LIPDPS	Variation of designated premises supervisor	02.08.2016	Granted under delegated authority
17/03113/LIPVM	Minor variation – change of layout	22.08.2017	Granted under delegated authority
20/06404/LIPV	Variation - To suspend restaurant conditions during coronavirus period. To add a new condition suspending condition 19.	07.10.2020	Granted by Licensing Sub Committee
21/05938/LIPDPS	Variation of designated premises supervisor	06.07.2021	Granted under delegated authority
21/08094/LIPDPS	Variation of designated premises supervisor	09.09.2021	Granted under delegated authority

There is no Temporary Event Notice or appeal history

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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

Conditions: On Current Licence -

Mandatory:

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

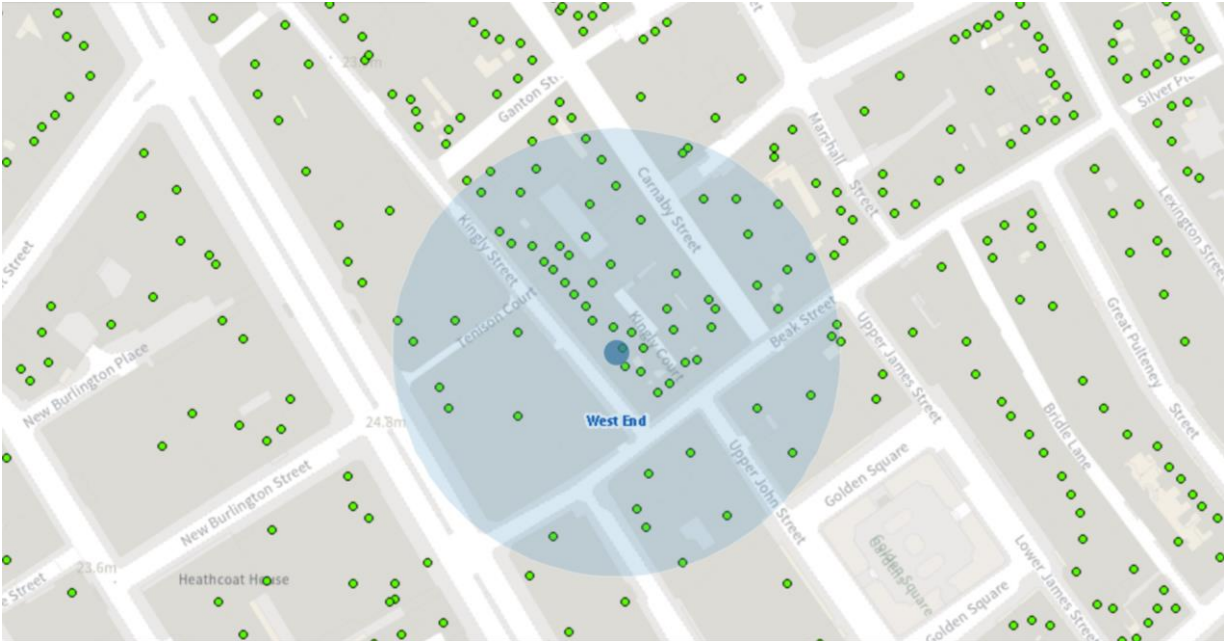
Annex 3 – Conditions attached after a hearing by the licensing authority

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
11. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. The supply of alcohol shall be by waiter or waitress service, save in the respect of the area hatched black on the approved plan.
14. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
15. There shall be no sale of alcohol for consumption off the Premises after 23:00 hours.
16. The external seating shall not be used after Core Hours, being 22:30 hours Sunday, 23:30 hours Monday to Thursday and Midnight Friday and Saturday.
17. The premises (including the external seating area) shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
18. 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, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regards crime and disorder
 - (d) any incidents of disorder (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

19. Condition 19 on the Premises Licence shall be suspended for a limited period until 30 September 2021 save that substantial food shall be available throughout the premises at all times after which time the condition shall be reinstated and remain to have full force and effect.

Condition 19 is proposed to be varied by the applicant to the following:

19. Condition 17 on the Premises Licence shall be suspended for a limited period until 30 September 2022 save that substantial food shall be available throughout the premises at all times after which time the condition shall be reinstated and remain to have full force and effect.
20. There shall be no vertical drinking allowed on the premises.
21. Only up until the 30 September 2021, the supply of alcohol at the premises (including the external seating area) shall be by waiter or waitress service only.



Resident count: 22

Licensed premises within 75 metres of Ground Floor Unit 2 and 1.4 to 1.6, Kingly Court, London, W1B 5PW

Licence Number	Trading Name	Address	Premises Type	Time Period
21/14225/LIPDPS	Two Floors	Ground Floor 3 Kingly Street London W1B 5PD	Shop	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
22/00139/LIPT	Shampers Wine Bar	Ground Floor 4 Kingly Street London W1B 5PE	Wine bar	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
11/07877/LIPDPS	Open Space	Kingly Court London	Park / Open Space	Monday to Sunday; 00:00 - 00:00
20/02260/LIPDPS	Cahoots Ticket Hall Control Room	5 Kingly Street London W1B 5PF	Restaurant	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 01:10
06/06301/WCCMAP	Myung Ga Restaurant	15 Beak Street London W1F 9SX	Cafe	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/09005/LIPCH	Flat Iron	17 Beak Street London W1F 9RW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
17/04862/LIPVM	Disrepute	Basement And Ground Floor 4 Kingly Court London W1B 5PW	Night clubs and discos	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 03:30 Sundays before Bank Holidays; 09:00 - 01:30
19/03275/LIPDPS	Soho Grind	Basement And Ground Floor 19	Restaurant	Sunday; 12:00 - 22:30 Monday to

		Beak Street London W1F 9RP		Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
21/05753/LIPDPS	Bread Ahead	21 Beak Street London W1F 9RR	Cafe	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30
21/10252/LIPDPS	Dirty Bones Units 2.12 And 2.13	Kingly Court Kingly Court London	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
21/08094/LIPDPS	Whyte And Brown	Ground Floor Unit 2 And First Floor Units 4-6 Kingly Court Kingly Court London W1B 5PW	Restaurant	Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00
20/09859/LIPT	Imad's Syrian Kitchen Ltd	Second Floor Unit 14 Kingly Court Kingly Court London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
19/09764/LIPCH	Shoryu	Ground Floor Unit 3- 5 Kingly Court Kingly Court London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
14/11127/LIPVM	Oka Restaurant Units 1.14 - 1.16	Kingly Court Kingly Court London	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
18/08932/LIPDPS	Senor Ceviche	First Floor Units 1-3 Kingly Court	Restaurant	Sunday; 12:00 - 23:00 Monday to

		Kingly Court London W1B 5PW		Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
15/11467/LIPDPS	Le Bab (Units 2.10 And 2.11)	Kingly Court Kingly Court London	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
20/00137/LIPN	Units 1.7 And 1.8, First Floor	Kingly Court Kingly Court London	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
14/06042/LIPDPS	Life Goddess	Former Unit 1.9 Kingly Court London	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
19/14857/LIPT	The Good Egg	Unit G9 Kingly Court London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 New Year's Day; 00:00 - 00:00
20/02060/LIPDPS	The Court	9 Kingly Street London W1B 5PH	Club or institution	Saturday; 09:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Friday; 09:00 - 03:30
19/08906/LIPN	Anthropologie	158 Regent Street London W1B 5SW	Shop	Sunday; 10:00 - 21:00 Monday to Saturday; 08:00 - 21:00
21/04824/LIPT	Byron	Hardy House 16- 18 Beak Street London	Restaurant	Sunday; 08:00 - 22:30 Monday to Thursday; 08:00 - 23:30

		W1F 9RD		Friday to Saturday; 08:00 - 00:00 Sundays before Bank Holidays; 08:00 - 00:00
20/11078/LIPCH	Be At One	10 Beak Street London W1F 9RA	Restaurant	Monday; 09:00 - 01:30 Monday; 09:00 - 03:00 Sunday; 09:00 - 01:00 Tuesday to Thursday; 09:00 - 03:30 Friday to Saturday; 09:00 - 04:30 Sundays before Bank Holidays; 09:00 - 03:00
20/06816/LIPRW	Not Recorded	49-51 Carnaby Street London W1F 9PY	Not Recorded	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30
21/13442/LIPVM	Fifty Carnaby	49-51 Carnaby Street London W1F 9PY	Night clubs and discos	Sunday; 08:00 - 00:00 Monday to Wednesday; 08:00 - 02:00 Thursday to Saturday; 08:00 - 03:00
20/00544/LIPDPS	Pizza Pilgrims	11 Kingly Street London W1B 5PL	Shop	Monday to Sunday; 08:00 - 00:30
15/00525/LIPN	Pizza Pilgrims Kiosk	11 Kingly Street London W1B 5PL	Shop	Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
20/08587/LIPDPS	Cahoots	Unit G 13 Kingly Court London W1B 5PW	Night clubs and discos	Sunday; 09:00 - 00:00 Monday to Wednesday; 09:00 - 03:00 Thursday to Saturday;

				09:00 - 03:30
20/06111/LIPDPS	Rum Kitchen, First Floor, Units 1.12 And 1.13	First Floor 12 Kingly Court London W1B 5PW	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
17/14852/LIPN	Sweaty Betty	1 - 2 Carnaby Street London W1F 9QG	Shop	Monday to Sunday; 08:00 - 20:00
21/00655/LIPDPS	Wright Brothers Soho	12 - 13 Kingly Street London	Restaurant	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 00:00
17/03861/LIPDPS	NOPI	21 - 22 Warwick Street London W1B 5NE	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:00
22/00548/LIPDPS	Red Lion Public House	14 Kingly Street London W1B 5PR	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
17/12533/LIPDPS	M & C Saatchi	36 Golden Square London W1F 9JX	Office	Monday to Sunday; 00:00 - 00:00
21/08347/LIPDPS	M & C Saatchi	36 Golden Square London W1F 9JX	Office	Monday to Sunday; 00:00 - 00:00
20/04384/LIPVM	Jinjuu	Basement And Ground Floor 15 - 16 Kingly Street London W1B 5PT	Restaurant	Monday; 10:00 - 01:30 Tuesday; 10:00 - 01:30 Wednesday; 10:00 - 01:30 Thursday; 10:00 - 01:30 Friday; 10:00 - 01:30 Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
21/10774/LIPT	Polpo	Ground Floor 41 - 43 Beak Street London W1F 9SB	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to

				Saturday; 10:00 - 00:00
19/12271/LIPCH	Rosas	23A Ganton Street London W1F 9BW	Cafe	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00 Christmas Eve; 12:00 - 00:00 Christmas Eve; 10:00 - 00:00
19/09373/LIPDPS	Sanctum Soho Hotel	18-20 Warwick Street London W1B 5NF	Hotel, 4+ star or major chain	Sunday; 12:00 - 22:30 Monday to Saturday; 09:00 - 01:00 Monday to Sunday; 00:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00