



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

30 June 2022

22/02733/LIPN - New Premises Licence

Diageo
28 - 32 Shelton Street
London
WC2H 9JE

Director of Public Protection and Licensing

St James's

City of Westminster Statement of Licensing Policy

None

Kevin Jackaman
Senior Licensing Officer

Telephone: 0207 641 6500
Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	14 March 2022		
Applicant:	Diageo Great Britain Ltd		
Premises:	Diageo		
Premises address:	28 - 32 Shelton Street London WC2H 9JE	Ward:	St James's
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application form the premises are over 6 floors offering supply of alcohol ancillary to food with ancillary demonstration kitchens, function spaces and areas for local community use.		
Premises licence history:	This is a new premises licence application and no premises history exists.		
Applicant submissions:	None		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Films, live music, recorded music, performance of dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None					

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	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:		None					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	Reaz Guerra
Received:	30 March 2022
<p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives. The premises are situated within the West End Cumulative Impact Area.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p>	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	11 April 2022
<p>I refer to the application for a New Premises Licence.</p> <p>The premises are located within the West End Cumulative Impact Zone as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p>	

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday between 10.00 to 23.30 hours, Friday & Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours.
2. To provide Late Night Refreshment 'Indoors' Monday to Thursday 23.00 to 23.30 hours, Friday & Saturday between 23.00 and 00.00 hours.
3. To provide regulated entertainment 'Indoors' comprising
 - Films
 - Live Music
 - Recorded Music
 - Performance of DanceMonday to Thursday between 10.00 to 23.30 hours, Friday & Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CIZ.
2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CIZ.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CIZ.

The applicant has provided additional information with the application which is being addressed.

Should you wish to discuss the matter further please do not hesitate to contact me.

Responsible Authority:	Licensing Authority
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Representative:	Jessica Donovan
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Received:	11 April 2022
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I write in relation to the application submitted for a new premises licence for Diageo, 28 - 32 Shelton Street, London, WC2H 9JE.

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:

Films

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

Live Music

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

Recorded Music

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

Performance of Dance

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

Late Night Refreshment

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

Retail Sale of Alcohol (On and Off sales)

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

Hours premises are open to the public

Monday to Thursday 08:00 to 23:30
Friday to Saturday 08:00 to 00:00
Sunday 09:00 to 22:30

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 & RNT1.

Policy RNT1 (B) states

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The 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 demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.

2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The Licensing Authority note that the application falls within Westminster's core hours for a restaurant.

The Core hours for restaurants are:
 Monday to Thursday: 9am to 11.30pm.
 Friday and Saturday: 9am to 12am.
 Sunday: 9am to 10.30pm.
 Sundays immediately prior to a bank holiday: 9am to 12am.

The Licensing Authority note that the premises intends to host private pre-booked or ticketed events.

The Licensing Authority would like the applicant to provide further submissions on the below questions;

1. Can the applicant provide a description of the nature of the events they will be hosting?
2. How often will the events take place?
3. Can the applicant confirm the intentions for the films and performance of dance.
4. Will alcohol at the pre-booked/ticketed events be served by waiter/waitress service?

The Licensing Authority would like confirmation to the above questions to be able to assess any further relevant policy considerations.

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact Zone, in accordance with policy CIP1.

Please accept this as a formal representation

2-B Other Persons	
Name:	██████████ - Covent Garden Community Association
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	11 April 2022
<p>This application is one of a group of applications by Diageo for a significant new development in the area between Long Acre and Shelton Street. Apart from the basement area of one of the premises (5 Langley Street) none of the remaining areas are currently licensed. So the development as a whole represents a very significant increase in licensable activities within the West End CIA. The full list of applications is as follows.</p> <p>Brewery building 1 Mercer Walk London WC2H 9FA 22/02732/LIPN Retail shop 15 Neal Street London WC2H 9PU 22/02731/LIPN</p>	

Restaurant building 28 - 32 Shelton Street London WC2H 9JE 22/02733/LIPN

Langley St Space + Yard 5 Langley Street London WC2H 9JA 22/02734/LIPN

The applicant has undertaken pre-application discussions with the CGCA and local residents at the same time as publicising the Planning Application for the development.

We attach a map which shows the applications in the context of residential accommodation in the vicinity of the site.

Impact on the Licensing Objectives

These applications, taken together and individually, will fail to promote the Licensing Objectives of the Prevention of Public Nuisance if granted as applied for. This is because of the impact of the operation of the individual premises **and** the process of arrival and dispersal of customers towards the end of the hours applied for, which are in all cases (except the Retail shop) WCC's Core Hours. The proposed process of dispersal will also harm the Public Safety Licensing Objective for the reasons set out in the dispersal section.

This particular application is for a 6 floor building with restaurants on Ground, 1st, 2nd and 6th floors with the 3rd floor being used as a private events space. The total capacity of the building is 337 seated customers, although the Licence Application is silent on this.

The building is currently 4 floors, all in Office use.

This proposal brings in a very substantial night-time economy use into the area which, we say, is likely to add to cumulative impact and so fail to support the Licensing Objectives.

We accept that the applicant complies on 3 floors with requirements of RNT1 (save for the provision of a small pre/post dining bar area) despite not using MC66. However the use of the 3rd floor for private events is not required to comply with MC66 although substantial refreshment does need to be available.

Terrace

The 6th floor includes a roof terrace, which is a higher level than the surrounding buildings and will look towards the South and East. The buildings overlooked include Odhams Walk, only 25m away, a large Westminster Council owned residential block to the East of the site. The proposal is that the roof terrace will be vacated by 22:00.

The Noise Impact Assessment provided with the Planning Application chooses not to consider the impact of this roof terrace, on the grounds that the impact will be low. However there is no justification for this. We are concerned that the roof terrace can give rise to noise which will have an impact on residents in Odhams Walk.

We therefore ask that the following amendments are made:

- The closing time for the terrace is brought forward to 21:00 in line with the terrace on top of Seven Dials Warehouse, which is a similar distance from Odhams Walk.
- In addition to a glass screen (as shown in the Planning Application), the applicant is required by Licensing to have a scheme of planting on the terrace which will allow sound to be absorbed so that it is not noticeable by residents in Odhams Walk.

As well as the terrace, our concerns are mainly related to dispersal and servicing.

Servicing

We had originally understood that all servicing of the development apart from 1 Mercer Walk (the Brewery Building) would be managed from within Brewers Yard. This is appropriate because there is no space available on the surrounding streets from which the buildings can be serviced. In order to prevent a nuisance being caused by vehicles delivering to the site and by the delivery activity itself we would ask that all deliveries and collections (including waste) are made between 08:00 and 11:00 on all days of the week. This will need to be managed by Diageo to ensure that no queue for vehicles to enter the Yard forms in Shelton Street and also that no vehicles wait in streets in the surrounding area. This may also be covered by the Delivery & Servicing Plan for the development which is likely to be required by Planning.

We have now seen the Transport Statement and Draft Operational Management Plan. These

propose that Langley Street will carry a significant portion of the servicing activity and that the hours in which servicing will take place in Old Brewers Yard would be 07:00-10:00.

This gives rise to 2 concerns:

- Servicing activity in Old Brewers Yard will start early (07:00) rather than 08:00, very close to residents on Neal Street and Shelton Street. We have previous experience of noise from vehicles entering the yard in the early morning causing noise as they manoeuvre around the space.
- Increased use of Langley Street for deliveries will result in the street being blocked, reducing access for vehicles wishing to carry out deliveries to other premises, including those on Langley Street and in Mercers Walk.

Whilst a full discussion of the plans for servicing are more appropriately part of the planning process we believe that it is important that the parameters for this plan are reflected in the Licence Application to support the Licensing Objectives, particularly that related to Public Nuisance.

The applications all contain proposed conditions that:

No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.

All refuse shall be stored internally prior to collection.

We ask that these conditions are replaced with the following condition for all of the premises around Brewer's Yard:

All deliveries to and collections from the premises shall be carried out in accordance with the Delivery & Servicing Plan for the development as agreed with the Council. This plan will not be varied without the agreement of the Council. At a minimum this plan will include the following restrictions:

- a. All deliveries to the buildings around Brewers Yard will be restricted so that they take place between 08:00 and 11:00 on all days of the week.*
- b. All waste will be stored internally within the development and collections will only take place between 08:00 and 11:00 on all days of the week.*
- c. The Licence Holder will ensure that no vehicle queues form to enter the site and that vehicles are not required to wait to gain access to the site on any roads within the area of the Covent Garden Neighbourhood Traffic Management scheme.*
- d. All deliveries to the site will comply with TfL's Code of Practice for Quieter Deliveries.*

Dispersal

This development has the potential for a significant number of customers (>1,000 at any one time). This is prima facie something which is highly relevant to the City Council's 'cumulative impact' policies. The way they arrive at and leave the area, particularly in the late evening, can give rise to significant levels of public nuisance by way of noise and other forms of disturbance. For this specific application there up to 337 customers using the building.

These premises are in the West End CIA and there is already substantial nuisance caused by people leaving licensed premises in the vicinity, both in Westminster and Camden. These proposals will add to these issues.

This licence application includes a condition regarding dispersal as follows:

The Premises Licence Holder shall at all times comply with policies relating to dispersal, an operational management plan, servicing plan and public realm strategy as shall be amended from time to time. Such copies of these documents shall be made readily available to the Responsible Authorities upon request.

An Operational Management Plan has been submitted as part of the Planning Application but has not been published with the Licensing Application. In the absence of this information we do not see how it can be possible for the Statutory Authorities or Interested Parties to understand

the likely impact on the Licensing Objectives from the proposed process of dispersal, or for that matter other aspects of the operation. The proposed condition also allows the dispersal plan to be reviewed by the Licence Holder without any approval by the Licensing Authority. We expect that the applicant may argue that the plan will have to be approved by Planning in any event. However, as we have been told many times by Licensing Lawyers, Planning and Licensing are separate regimes and have different considerations. It is therefore necessary that the dispersal plan be fully considered by the Licensing Authority in determining this application.

The CGCA has been able to review the Draft Operational Management Plan. However it makes no comments regarding dispersal from the Restaurant building, which has its entrance and exit on Shelton Street onto a narrow pavement.

Whilst dispersal from the restaurant use is gradual dispersal, Shelton Street has narrow pavements and is one of the busiest roads in the whole of Covent Garden. Customers will be under the influence of alcohol and will move straight onto a narrow pavement. This may give rise to a conflict between pedestrians and vehicles/cyclists.

Our view is that the exit of people from the building needs to be supervised by a suitable trained staff member from 21:00 onwards so that they are kept safe, and also so that they can be encouraged to leave the area quietly.

The condition we would propose to reflect this proposal is as follows:

There will be a Dispersal Policy included in the Operational Management Plan for the premises and all relevant staff will be trained in this Policy. The Policy will be reviewed annually and whenever the Licensee becomes aware of issues associated with Dispersal. At a minimum the Policy will include the following requirements:

- *From 21:00 until all customers have left the building a suitable trained member of staff will be located at the exit of the premises onto Shelton Street.*
- *The member of staff will monitor customers leaving the premises and encourage them to leave the area in an orderly and safe manner.*

Queuing

Whilst queuing is unlikely the pavements on Shelton Street and Langley Street are narrow and there are residents in the immediate vicinity. We believe that to promote the Licensing Objectives it is appropriate to include MC26 or similar

The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

In summary, therefore, the CGCA believes that to support the Licensing Objectives the following amendments should be made to the application.

- The roof terrace impact should be managed by a reduction in hours and the requirement for noise attenuating measures such as dense planting.
- There should be a requirement that the exit onto Shelton Street is actively managed after 21:00.
- Servicing of the premises should be restricted by Licensing to ensure that the hours are limited and that this is carried out from within Old Brewer's Yard and not from the surrounding streets, including Langley Street.

We believe that the amendments we have proposed above will limit the risks to the licensing objectives within acceptable bounds and enable the scheme to operate successfully without causing undue detriment to the many residents who live nearby.

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

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	07 April 2022
<p>I am a first-floor resident of Earlham St. I am very concerned by the prospect of hundreds of drinkers and diners leaving Old Brewers Yard and the related premises via the Shelton St exit in the late evening, then using Earlham St (and Neal St) to find their way out of the neighbourhood. I strongly support CGCA's proposal that the exit from Old Brewers Yard onto Shelton Street is closed at 22:30 (22:00 on Sunday), and that after this time only the exit onto Langley Street is used by customers from the Yard and the Langley Street basement.</p> <p>This development threatens to make a huge impact on the lives of residents of Seven Dials. As far as possible, late night leavers should be directed by the shortest and quietest routes to Longacre as the nearest main commercial thoroughfare — which leads direct to Covent Gdn and Leicester Sq tube stations.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	11 April 2022
<p>Further to the proposals raised on these numbers, we would like to endorse the comments of the CGCA and add our concerns that it is excessive to have five Guinness buildings so close together in an already densely populated area with residents, businesses, and tourists.</p> <p>This amount of drinking all day and evening being served from five sources will only lead to an overwhelming amount of people drinking on our streets, so please could you look at the requested restrictions that have been put forward.</p> <p>This also impacts the security of many young people and children who come from all over the world to classes and workshops at Pineapple throughout the week, weekends & holidays, as well as the usual influx of our regular loyal customers of all ages.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	11 April 2022
<p>Re the following proposals:</p> <p>I support the CGCA representations which I have read in draft. Old Brewers Yard 22/02734/LIPN Langley St basement Restaurant building 22/02733/LIPN Brewery building 22/02732/LIPN Retail shop 22/02731/LIPN</p>	

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	11 April 2022
<p>I object on grounds of public nuisance. This is a large new licensed premise in a part of the West End where residents suffer from the anti-social impact of the night time economy. Even though the application is for restaurant premises, the fact that this is sponsored by a drinks company runs the real risk of the restaurant being even more drinks focused than usual with the impact of inebriated noisy patrons creating noise and disturbance for local residents.</p> <p>A smaller restaurant offering could be acceptable but this development is too large for the narrow and highly residential surrounding streets.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	05 April 2022
<p>Concern that noise disturbance will result from loud music and dancing on sixth floor roof terrace.</p> <p>The retail sale of alcohol at the Brewery Building (currently H&M) should cease at 20:00, other than for retail sales to those attending a private event or a pre-booked tour. There are flats to its West and South.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	11 April 2022
<p>As a resident living in Shelton Street WC2 I wish to record my concerns. I have to be out of the house by 7am and so normally retire just after 10pm.</p> <p>The noise levels in my area continue to rise. Please ensure that closing times, use of outside terrace and vertical drinking are suitably controlled with respect to the neighbours (as detailed below)</p> <p>22/02734/LIPN Reduce hours. No vertical drinking after 21:00. Restrict late exit, to Langley St. only. Servicing only within Yard. Langley St basement Restrict late exit, to Langley St. only. Restaurant building 22/02733/LIPN Reduce closing time of open terrace to 21:00 and add planting to absorb sound. Brewery building 22/02732/LIPN</p> <p>Reduce hours for sale of alcohol to general public.</p>	

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	11 April 2022
<p>I find two major problems with this, especially if Planning allows the two storey upwards extension. I hope Planning REFUSES.</p> <p>1) I do NOT want the noise coming from these late hour drinking and partying events coming to my home. AND IT WILL! Noise travels easily across roofs. I don't want my life permanently changed by noise pollution. The suggested plans are anti-social, unfair and entirely commercially based.</p> <p>I completely get that these are party places, and NOTHING to do with our neighbourhood.</p> <p>2) The open terrace hours are too long and too late. 21.00 should be the latest these places can function.</p> <p>If these terraces do go forward, then extensive planting which will absorb and diminish at least some of the sound should be an imperative requirement.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	11 April 2022
<p>I object to these applications for a licence. 22/02734/LIPN 22/02733/LIPN 22/02732/LIPN 22/02731/LIPN</p> <p>Residents and surrounding businesses already greatly suffer from alcohol related anti-social activities from numerous venues and we have no desire for a new venue.</p> <p>We already suffer excess noise as guests queue to access nearby clubs, and when leaving they are so, so drunk, they shout, scream, fight, and almost every weekend vomit and/or urinate on the surrounding streets. We are so constantly disturbed, that we can set my watch from the noise at the time their clients leave.</p> <p>The numbers being asked for (800 seated / 1,000 standing) are clearly going to be of massive detriment to the area, and could turn it from a relatively calm quarter to one of chaos. At moment a few small premises create disproportionate problems but such a huge one does not even bear thinking about.</p> <p>The site is close to several residential developments and as a result residents will be adversely affected.</p> <p>I can see nothing but disturbance and very few if any positives from siting such a large event space in covent garden</p> <p>The application should be firmly dismissed as it does not guarantee clear access routes for pedestrians, it would create more unnecessary noise on what has become a much quieter road due to traffic changes, and would potentially increase exposure of loud and dangerous clientele out on the street.</p>	

Name:	Covent Garden Area Trust
Address and/or Residents Association:	
Received:	11 April 2022
<p>The Covent Garden Area Trust wishes to make objections to four current licensing applications, which all form part of the proposed Brewers Yard development. The application numbers are listed below –</p> <p>22/02734/LIPN 22/02733/LIPN 22/02732/LIPN 22/02731/LIPN</p> <p>The Trust is concerned about the prematurity of the applications that have been put forward, which were submitted before the validation of the applications for Planning Permission and Listed Building Consent relating to the specific areas to which these license applications relate. How can such significant and impactful licensing applications (with a combined 1000+ capacity) be determined when the form and function of their premises is yet to be fully decided? The submission of these applications at such an early stage when plans for the development as a whole have only just been validated is highly concerning. Key aspects of these licensing applications, for example venue capacities, are entirely dependent on the outcome and detail of the submitted designs which are yet to be approved, so how can any licensing applications be determined at this stage? The capacity of certain parts of the wider development may decrease as a result of planning/LBC outcomes and design changes.</p> <p>Dispersal routes are also of concern with all four licensing applications. The operational management plan, which was not submitted with these applications, illustrates their preferred use of Shelton Street as the exit for all operations within the development. The Trust believes that this will lead to large numbers of customers leaving the area via Neal Street, which has a high number of residents within the Odham's Walk flats and elsewhere.</p> <p>The Trust therefore suggests that the Shelton Street exit be closed at 22:30, and that after this time the Langley Street exit should be used by all customers exiting the Yard and the Langley Street basement. This approach is likely to reduce the number of people who leave via routes with a higher number of residential properties.</p> <p>A new outdoor bar in within Old Brewers Yard (22/02734/LIPN) will inevitably also add to issues caused by other licensed premises in the Shelton Street area. The Trust believes that at a capacity of 200 people standing, this echoey space will become extremely loud and will inevitably disturb nearby residents. To counter this, its hours of operation should be staggered with other premises in the area with sales of alcohol ending at 22:30, and to be clear of customers by 23:00</p>	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	11 April 2022
██████████ from 28 - 32 Shelton Street. I am worried about the impact on my family if this licence is allowed.	

This building is offices. It generates hardly any noise or activity. But it's proposed to extend it to be much bigger, and to change it into a restaurant with an outside terrace, serving drinks & holding private events. This is a huge intensification.

There will be more people around until later. Many will be under the influence of alcohol.

Private events are a serious problem around here. Families are trying to get a decent night's sleep to go to school & work next day.

There will also be more deliveries & collections. But the area is already chaotic. Shelton St. is often blocked with trucks, flouting conditions that commercial units have about not delivering from our streets & sticking to their hours.

The problem is that we know this licence will be allowed through in some form, so we can only ask for restrictions to prevent it being a nightmare for the people who live around here.

In licensing terms this means trying to prevent so much 'Public Nuisance' & give some 'Protection of Children from Harm'.

Here we need:

- No commercial activity after 10pm, please.
- Nobody on the terrace after 8pm please. Noise carries a long distance at roof level.
- No big private events after 8pm, please. Large groups shouldn't be coming & going when kids need to be getting to sleep.
- No deliveries before 8am or after 8pm. 7am is too early. And no deliveries outside Old Brewers Yard.
- No queuing. Queues block the pavement & make a noise. They can be managed via apps now.
- No Temporary Event Notices allowing things to happen after the normal licence allows. Temporary Event Notices are a true nightmare for neighbours & make a nonsense of all your hard work crafting appropriate conditions.

Name:	The Soho Society
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	11 April 2022

We write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society 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 The Soho Society

The Soho Society 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.

Application summary

New Premises Licence

Premises over 6 floors offering supply of alcohol ancillary to food with ancillary demonstration

kitchens, function spaces and areas for community use.

Supply 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.

Film/Live Music/Recorded Music/Performance of Dance : Mon - Thurs: 10:00 - 23.30. Fri - Sat: 10:00 - 00:00. Sun: 12:00 - 22:30

Opening Hours: Mon - Thurs: 10:00 - 23.30. Fri - Sat: 10:00 - 00:00. Sun: 12:00 - 22:30

Capacity : 337

The Soho Society's Position

These premises are in close proximity to Soho and we are concerned that if successful these premises will increase cumulative impact within the West End Cumulative Impact Zone and fail to promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance

Soho has the highest concentration of licensed premises in Westminster, over 466 with a large proportion (25%) being late night licences. There are over 200 restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and entertainment premises. The area is densely populated at night with people drinking on the street, creating loud levels of noise, causing disturbance and anti-social behaviour, the area has the highest level of crime and disorder in Westminster.

The late night economy is huge, in Soho there are **117** licensed premises with terminal hours between **01:00 - 06:00, with a capacity of 22,480 recorded against 101 licences.** The highest concentration of licensed premises are situated around Old Compton Street, Greek Street, Frith Street and Dean Street, there being **106 between the hours of midnight and 3.30am with a capacity of over 10,002.** The capacity of these new premises is not insignificant 337 for the restaurant and function spaces until core hours, without doubt a number of patrons will choose to continue their night out in Soho (a short distance away) in premises along Old Compton Street and those that surround it.

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.

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 evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, it describes the high level of cumulative impact in the West End Zone between 2017-2019, the subsequent Statement of Licensing Policy 2021 Cumulative Impact Policy CIP1 states,

'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone arises from the number of people there late at night; a considerable number of them being intoxicated. Public services, including police, health and emergency, transport, environmental services (cleansing and refuse services) are placed under chronic strain by existing levels of activity, as are civic amenities and the quality of residential life. The urban infrastructure cannot sustain any further growth in licensed premises that provide a significant risk of a variety of harmful outcomes. Over a period of three years (2017 - 2019) 45% of violent crimes, as well as over half of all robberies, thefts and drug offences in the city were recorded within West End

Cumulative Impact Zone. Additionally, 43% of ambulance callouts between that same period to the locations of licensed premises feel within this zone.’ (D4)

This evidence supported further policy restrictions in the West End, 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 if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, in our view we are already above pre-March 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:

- Drug Offences Night: **1529** (proportion of Borough’s incidents **40%**)
- Robberies Night: **2237** (**33%**)
- Theft and Handling Night: **24,407** (**33%**)
- Serious violent crimes Night: **795** (**31%**)
- Ambulance call outs to locations of licensed premises: **5353** (**22%**)
- Noise Complaints Night: **1389** (**16%**)
- Anti-Social behaviour MPS: **9662** (**16%**)
- Anti-Social behaviour on transport Night: **592** (**13%**)
- Reactive Waste Management: **6630** (**10%**)

Total = 52,594

- **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.

This area of Soho is a well known hotspot for crime and disorder, the current statistics for the *top crime streets in Soho shows a total of 1,827 crimes; Greek Street being top of the list 239,

Top Streets all crime –1st Nov 21 – 28th Feb 22

GREEK STREET	239	GOLDEN SQUARE	14
OLD COMPTON STREET	231	ARCHER STREET	14
WARDOUR STREET	138	GREAT PULTENEY STREET	14
SHAFTESBURY AVENUE	117	GLASSHOUSE STREET	13
DEAN STREET	105	SOHO STREET	13
CARNABY STREET	99	LEXINGTON STREET	13
GREAT MARLBOROUGH STREET	75	GOSLETT YARD	12
FRITH STREET	70	SOHO PLACE	12
SOHO SQUARE	60	NEWBURGH STREET	11
BREWER STREET	58	PETER STREET	11
BATEMAN STREET	44	CARLISLE STREET	10
GREAT WINDMILL STREET	45	ROMILLY STREET	9
KINGLY STREET	41	KINGLY COURT	9
BROADWICK STREET	37	CAMBRIDGE CIRCUS	9
CHARING CROSS ROAD	36	D'ARBLAY STREET	8
BERWICK STREET	35	MARSHALL STREET	8
GANTON STREET	32	HAM YARD	7
BEAK STREET	29	RANILLIES STREET	7
POLAND STREET	24	DUFOURS PLACE	6
MANETTE STREET	24	WALKER'S COURT	6
MOOR STREET	23	NEARD STREET	6
RUPERT STREET	18	WARWICK STREET	5
LITTLE MARLBOROUGH STREET	17	FOUBERT'S PLACE	5
INGESTRE PLACE	15	NOEL STREET	5

followed by Old Compton Street with 231.

Furthermore, comparing the top reported crimes from *November 2021 - February 2022 to pre-COVID times highlights the number of serious and violent crimes are on the increase;

Violence against the person serious wounding: 32 up 78% (18 pre - COVID)

Violence against the person assault with injury: 59 up 31% (45 pre-COVID)

Violence against the person common assault: 70 up 18% (59 pre-COVID)

Drugs possession: 115 up 79% (64 pre-COVID)

Sexual offences: 34 up 70% (20 pre-COVID)

* Data provided by the Met Police

For residents living in these streets the findings of the Cumulative Impact Assessment and the recent crime figures 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 at night results in high levels of serious crime. In Soho the majority of robberies take place at night, Greek Street being a particular hotspot where people are targeted as they

leave venues which is evidenced by the figures. Alongside this is drug dealing which is a real problem, with groups of dealers congregating to sell drugs and specifically targeting 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 venues and people out on the streets which creates the drugs market.

Intoxicated people become victims of crime, increasing the number of intoxicated people in the area at night will without doubt 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 living in this area already suffer from high levels of noise and disturbance during the evening and late at night, this presents in the form of noise nuisance from the huge numbers of intoxicated people out on the streets who are extremely loud and noisy, noise from pedicabs who park in these streets and play loud amplified music whilst waiting for fares late into the night. The anti-social behaviour of street fouling, including doors ways and entrances to flats. All of which creates an environment where residents can no longer have a peaceful nights sleep.

We are very concerned that residents will be disturbed by intoxicated people leaving these premises and move into where they can extend and increase their alcohol consumption late into the night resulting in an increase in public nuisance.

In summary

We have presented evidence of high levels of crime and disorder, noise nuisance and anti-social behaviour, patrons leaving these premises will be attracted to Soho to continue their night out in an area with the highest level of cumulative impact in Westminster.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	11 April 2022

11/04/2022 9:56 PM I support the view of the Covent Garden Community Association which is as follows:

Reduce closing time of open terrace to 21:00 and add planting to absorb sound

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	11 April 2022

Dear sir,

With reference to the 4 applications stated below
22/02731/02723/02733/02734/LIPN

I fully support all the recommendations that the CGCA, have put forward on these developments.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	11 April 2022

I object to these applications for a licence.

22/02734/LIPN
22/02733/LIPN
22/02732/LIPN
22/02731/LIPN

Residents and surrounding businesses already greatly suffer from alcohol related anti-social activities from numerous venues and we have no desire for a new venue.

We already suffer excess noise as guests queue to access nearby clubs, and when leaving they are so, so drunk, they shout, scream, fight, and almost every weekend vomit and/or urinate on the surrounding streets. We are so constantly disturbed, that we can set my watch from the noise at the time their clients leave.

The numbers being asked for (800 seated / 1,000 standing) are clearly going to be of massive detriment to the area, and could turn it from a relatively calm quarter to one of chaos. At moment a few small premises create disproportionate problems but such a huge one does not even bear thinking about.

The site is close to several residential developments and as a result residents will be adversely affected.

I can see nothing but disturbance and very few, if any, positives from siting such a large event space in covent garden

The application should be firmly dismissed as it does not guarantee clear access routes for pedestrians, it would create more unnecessary noise on what has become a much quieter spot due to traffic changes, and would potentially increase exposure of loud and dangerous clientele out on the street.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████
Received:	11 April 2022

Please may i make the following comments in regards the proposed Guinness development. I am a property owner at ██████████, so a neighbour of this.

In general, I am supportive of the proposal and think it will benefit the area. Given the nature of the proposed occupancy and long opening hours into the evening there is the potential for a significant negative impact on local residents. As such i think certain easy measures can be introduced which give a very fair balance to the ability, on the one hand, to run a successful business. While on the other hand, for local residents not to be negatively affected. I summarise these below.

Thank you for your consideration

Part of development Link & Licence application no. CGCA proposal for modifications
 Old Brewers Yard 22/02734/LIPN
 Reduce hours. No vertical drinking after 21:00. Restrict late exit, to Langley St. only. Servicing only within Yard.
 Langley St basement Restrict late exit, to Langley St. only.
 Restaurant building 22/02733/LIPN
 Reduce closing time of open terrace to 21:00 and add planting to absorb sound.
 Brewery building 22/02732/LIPN
 Reduce hours for sale of alcohol to general public.
 Retail shop 22/02731/LIPN
 No use as bar exit onto Neal St. after 20:00.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████

Received:	11 April 2022
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I am writing with reference to the following applications:

- 22/02734/LIPN
- 22/02733/LIPN
- 22/02732/LIPN
- 22/02731/LIPN

As a local resident and business owner I do not believe that enough attention has been paid to the impact on the community around these developments.

We already have a plethora of licensed premises and associated noise and anti-social behaviour. There is no need for more.

I believe all the licensing hours should be restricted and staggered so that we do not end up with a large number of people on the streets at the same time.

Delivery times need to be agreed so as to cause the least disruption to residents.
Any external seating needs to have restricted hours and rules around the consumption of alcohol.

Exits and entrances and the opening times of these also need to be considered more carefully than currently appears to be the case.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	11 April 2022

As a local resident in the Covent Garden area I would like to object to all of the below applications for 'The Guinness Experience' and the detrimental effect they would have on the local residential community in terms of Prevention of Public Nuisance (ie: noise and disturbance). The area is highly residential throughout the proposed area of Covent Garden and the licensing hours requested would very much affect residents' lives.

Part of development Link & Licence application CGCA proposal for modifications
Old Brewers Yard 22/02734/LIPN
Reduce hours. No vertical drinking after 21:00. Restrict late exit, to Langley St. only. Servicing only within Yard.
Langley St basement Restrict late exit, to Langley St. only.
Restaurant building 22/02733/LIPN
Reduce closing time of open terrace to 21:00 and add planting to absorb sound.
Brewery building 22/02732/LIPN
Reduce hours for sale of alcohol to general public.
Retail shop 22/02731/LIPN
No use as bar exit onto Neal St. after 20:00.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	07 April 2022

I wish to concur and submit my representation in support of the proposals of modification made by the Covent Garden Community Association.

I am a longstanding resident of the local area now in excess of thirty years. I have seen many changes over time, much of which impact on the residential community.

My main concern and in co-operation with the above relate to noise and public nuisance including anti social behaviour. Litter and service delivery issues are also prominent concerns, including pollution, traffic congestion and uncontrolled times of service delivery vehicles often within the early hours of the morning.

Thank you for your consideration of the points in question.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	11 April 2022

I agree with the view of the Coverage Garden Community Association which is as follows:
Reduce closing time of open terrace to 21:00 and add planting to absorb sound

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	31 March 2022

I am writing with regards to License Applications: -
22/02734/LIPN, 22/02733/LIPN, 22/02732/LIPN and 22/02731/LIPN. The following are my comments: -
22/02734/LIPN – 5 Langley Street, London WC2H 9JA
Seated drinking after 21:00. To restrict late exit to Langley Street only for minimal disruption to residents. Servicing only within the yard.

A suggestion to review the entire operation after one year from commencing to see what impact, if any, on residents and businesses. This way the residents and businesses in the area can monitor the impact on their lives.

I would conclude and thank you for working with our local community and listening to our concerns.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	31 March 2022

Application references: 22/02731/LIPN, 22/02732/LIPN, 22/02733/LIPN & 22/02734/LIPN
The Brewery Yard and Shelton Street Development (“the Development”)
The Mercers’ Company (“The Worshipful Company of Mercers”) are the freeholder owner and landlord of the development site, having been a landowner and stakeholder in Covent Garden since the 16th century. The Mercers make this representation **in support** of Diageo’s application.

The Mercers’ Company is a livery company focused on being a philanthropic force for good, acquiring a Royal charter in 1374. With a rich history dating back over 700 years with philanthropy as the common thread between our past, present and future, each year our aim is to distribute £15 million to charitable causes. We benefit from the breadth of professions,

expertise and experience represented in our Membership; every year Mercers invest thousands of voluntary hours to help actively manage the heritage assets, commercial property and bequests entrusted to the Company's care.

The Development

The Brewery Yard itself dates back to 1722 when it was in fact a brewery and we have been extremely fortunate to partner with Diageo to recreate this historic use some 300 years later. Diageo also intend to take over the whole corner site as a visitor and retail attraction and we are thrilled with the proposals they have come up with and the way they intend to execute them, as part of a £73m investment. The new 50,000 sq ft venue will create up to 150 jobs and provide a community space within Covent Garden. We understand Diageo intend that the site will become the Southern UK hub of their award-winning Learning for Life Bartending and Hospitality Programme, with an ambition for over 100 London based students annually to graduate from the "Guinness at Old Brewer's Yard" programme.

Through the planning process, there has been an extensive and comprehensive stakeholder engagement programme and much has been learnt from this.

One of the key benefits of the grant of this licence would be the surrender of the existing licence (21/09021/LIPT) at 5 Langley Street which currently allows the sale of alcohol without food as a vertical drinking establishment until 1.00 am with a capacity of 500 persons. We believe that the Diageo development will be a far better use, and the swap therefore promotes all four licensable and does not add to cumulative impact.

Diageo have proposed a suite of conditions for each application which protect local amenity and promote the licensing objectives particularly those of crime and disorder and public nuisance. To have a long-term and well-known tenant in this location is without doubt a unique and rare benefit.

Following a visit to the site in January, Chancellor of the Exchequer Rishi Sunak said *"This multi-million-pound investment is a crucial vote of confidence in our capital. Three hundred years after brewing the first beer in Old Brewers Yard, it's fantastic to see Guinness breathing life into our hospitality and tourism industries and creating more jobs and training opportunities in central London."*

As a microbrewery and "culture hub", this development will also help the area recover from the devastating events of the pandemic and enhance its retail offering, providing a one-of-a-kind immersive experience and shining the spotlight on Covent Garden as a global visitor destination. We have spent a long time with Diageo to ensure that the applications are appropriately balanced and drafted so that they do not add to cumulative impact, are within Core Hours and subject to appropriate model conditions. If granted, "Guinness at Old Brewer' Yard" is scheduled to open in Autumn 2023.

Our Lease agreement with Diageo is also subject to comprehensive and stringent terms which we will have no hesitation in enforcing

The Mercers' commend the application to you we hope for your approval.

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

	<p>of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>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.</p> <p>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>
<p>Policy RNT1(B) applies</p>	<p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The 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 demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

4. Equality Implications

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

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

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

5.	Appendices
Appendix 1	Premises plans
Appendix 2	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	Metropolitan Police Service representation	30 March 2022
5	Environmental Health representation	11 April 2022
6	Licensing Authority representation	11 April 2022
7	Interested Party representation (1)	11 April 2022
8	Interested Party representation (2)	07 April 2022
9	Interested Party representation (3)	11 April 2022
10	Interested Party representation (4)	11 April 2022
11	Interested Party representation (5)	11 April 2022
12	Interested Party representation (6)	05 April 2022
13	Interested Party representation (7)	11 April 2022
14	Interested Party representation (8)	11 April 2022
15	Interested Party representation (9)	11 April 2022
16	Interested Party representation (10)	11 April 2022
17	Interested Party representation (11)	11 April 2022
18	Interested Party representation (12)	11 April 2022
19	Interested Party representation (13)	11 April 2022
20	Interested Party representation (14)	11 April 2022
21	Interested Party representation (15)	11 April 2022
22	Interested Party representation (16)	11 April 2022
23	Interested Party representation (17)	11 April 2022
24	Interested Party representation (18)	11 April 2022
25	Interested Party representation (19)	07 April 2022
26	Interested Party representation (20)	11 April 2022
27	Interested Party representation (21)	31 March 2022

Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. The supply of alcohol throughout the premises shall only be to
 - (a) Persons seated taking a table meal at the premises where the supply of alcohol is by waiter or waitress service, save for persons who may be served alcohol at the ancillary bars on the ground, first and sixth floors while awaiting a table or after taking a table meal, or
 - (b) Persons attending a bona fide private pre booked function or a ticketed event to which members of the public are not admitted. A register of persons attending the function/event shall be kept for a minimum period of 31 days at the premises and made available for immediate inspection by police or an authorised officer of the Council throughout the entire 31-day period.
10. Prior to any event being taken at the premises a risk assessment for that event shall be undertaken which will address as a minimum entrance and dispersal of patrons, provision and service of alcohol and the monitoring of consumption of alcohol and whether the provision of SIA shall be required. This risk assessment shall be retained at the premises for a minimum of 31 days after the event takes place.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The external terrace area on the 6th floor shall not be used and vacated by 22.00 hours each day.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
14. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
15. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
16. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
17. 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 preceding 31 day period.
18. 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 authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

19. 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 concerning 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.
20. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Duty Managers shall in addition have ACT-E and WAVE training (or subsequent equivalent training). The training log will be made available for inspection by the Police and licensing authority.
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building including the 6th floor terrace.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
24. No regulated entertainment shall be provided on the 6th floor terrace.
25. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
26. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
27. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
28. All refuse shall be stored internally prior to collection.

Interested Party 1 has proposed the following conditions to replace conditions 27 and 28 above:

29. All deliveries to and collections from the premises shall be carried out in accordance with the Delivery & Servicing Plan for the development as agreed with the Council. This plan

will not be varied without the agreement of the Council. At a minimum this plan will include the following restrictions:

- a. All deliveries to the buildings around Brewers Yard will be restricted so that they take place between 08:00 and 11:00 on all days of the week.
 - b. All waste will be stored internally within the development and collections will only take place between 08:00 and 11:00 on all days of the week.
 - c. The Licence Holder will ensure that no vehicle queues form to enter the site and that vehicles are not required to wait to gain access to the site on any roads within the area of the Covent Garden Neighbourhood Traffic Management scheme.
 - d. All deliveries to the site will comply with TfL's Code of Practice for Quieter Deliveries.
30. 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.
 31. 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.
 32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
 33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
 34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
 35. The Premises Licence Holder shall at all times comply with policies relating to dispersal, an operational management plan, servicing plan and public realm strategy as shall be amended from time to time. Such copies of these documents shall be made readily available to the Responsible Authorities upon request.

Interested Party 1 has proposed the following conditions to replace condition 35 above:

36. There will be a Dispersal Policy included in the Operational Management Plan for the premises and all relevant staff will be trained in this Policy. The Policy will be reviewed annually and whenever the Licensee becomes aware of issues associated with Dispersal. At a minimum the Policy will include the following requirements:
 - From 21:00 until all customers have left the building a suitable trained member of staff will be located at the exit of the premises onto Shelton Street.
 - The member of staff will monitor customers leaving the premises and encourage them to leave the area in an orderly and safe manner
37. No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
38. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

39. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions proposed by the Interested party 1

40. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway

Conditions proposed by the Environmental Health Service

None

Conditions proposed by the Metropolitan Police Service

None

Conditions proposed by the Licensing Authority

None



Resident count: 79

Licensed premises within 75m of 28-32 Shelton Street, London, WC2				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/05337/LIPDPS	The Conduit	6 Langley Street London WC2H 9JA	Office	Sunday; 09:00 - 23:00 Monday to Saturday; 07:00 - 01:30
18/10114/LIPCH	Hawksmoor	11 Langley Street London WC2H 9JG	Restaurant	Sunday; 12:00 - 23:30 Monday to Thursday; 10:00 - 00:30 Friday to Saturday; 10:00 - 01:00

16/03158/LIPDPS	Cafe Pacifico	Ground Floor 5 Langley Street London WC2H 9JA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/09021/LIPT	Bar Langley	Basement 5 Langley Street London WC2H 9JA	Restaurant	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 01:30
22/04903/LIPCH	Itsu	2-4 Neal Street London WC2H 9LY	Restaurant	Monday to Sunday; 07:00 - 21:30
20/05229/LIPV	Le Bab	4 Mercer Walk London WC2H 9FA	Restaurant	Monday; 10:00 - 23:00 Tuesday; 10:00 - 23:00 Wednesday; 10:00 - 23:00 Thursday; 10:00 - 23:00 Friday; 10:00 - 23:30 Saturday; 10:00 - 23:30 Sunday; 10:00 - 22:30