



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

24 November 2022

Licensing Ref No:

22/08433/LIPN - New Premises Licence

Title of Report:

Old Brewers Yard  
Basement  
5 Langley Street  
London  
WC2H 9JA

Report of:

Director of Public Protection and Licensing

Wards involved:

St James's

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			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	7 September 2022		
<b>Applicant:</b>	Diageo Great Britain Limited		
<b>Premises:</b>	Old Brewers Yard		
<b>Premises address:</b>	Basement 5 Langley Street London WC2H 9JA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	<p>The former basement space used as a nightclub but is now to be associated with external space on ground floor in Old Brewer's Yard at rear of 28-32 Shelton Street.</p> <p>The basement area will be conditioned with core hours and only to be used for private pre booked functions or as an event space.</p> <p>The Old Brewer's Yard will operate as an open space bar for the general public.</p>		
<b>Premises licence history:</b>	<p>The premises has the benefit of a premises licence since 2005 (21/09021/LIPT).</p> <p>The premises was granted a new premises licence at a Licensing Sub-Committee in June 2022 (22/02734/LIPN).</p> <p>Both premises licences can be viewed at <b>Appendix 3</b> of this report along with the premises history.</p> <p>Both licences are proposed to be surrendered subject to this application being granted.</p>		
<b>Applicant submissions:</b>	<p>The applicant has provided the following submissions:</p> <ul style="list-style-type: none"> <li>• Noise Impact Assessment</li> <li>• Planning Permission</li> </ul>		
<b>Applicant amendments:</b>	<p>Following consultation, the applicant amended the timings for the Retail Sale of Alcohol for the Old Brewer's Yard from Monday to Saturday 10:00 to 23:00 &amp; Sunday 12:00 to 22:30 to the timings stated in 1-B.</p>		

1-B Proposed licensable activities and hours							
<b>Plays:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			After 23:00 this activity is to be restricted to the basement area hatched green on the plan.				

<b>Films:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			After 23:00 this activity is to be restricted to the basement area hatched green on the plan.				

<b>Live Music:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			After 23:00 this activity is to be restricted to the basement area hatched green on the plan.				

<b>Recorded Music:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			After 23:00 this activity is to be restricted to the basement area hatched green on the plan.				

<b>Performance of Dance:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			After 23:00 this activity is to be restricted to the basement area hatched green on the plan.				

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			After 23:00 this activity is to be restricted to the basement area hatched green on the plan.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	22:30	22:30	22:30	22:30	22:30	22:30	22:30
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour for sale by retail of alcohol in basement area hatched green on the plan to be Monday to Thursday: 23:30, Friday to Saturday: 00:00 & Sunday: 22:30. Off sales to be restricted to basement area hatched green only.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour in basement area hatched green to be Monday to Thursday: 23:30, Friday to Saturday: 00:00 & Sunday: 22:30.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Roxsana Haq
<b>Received:</b>	04 October 2022

I write in relation to the application submitted for a new premises licence for **The Old Brewer's Yard, Basement, 5 Langley Street, London, WC2H 9JA.**

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:

**Live Music, Recorded Music, Films, Plays, Performance of Dance, and Late Night refreshment**  
23:00 to 23:30 Monday to Thursday  
23:00 to 00:00 Friday & Saturday  
The above activities after 23:00 to be restricted to the basement area hatched green on the plan

**Supply of Alcohol**  
10:00 to 23:00 Monday to Saturday  
12:00 to 22:30 Sundays  
Terminal hour for supply of alcohol in basement area hatched green on the plan to be  
Monday to Thursday: 23:30  
Friday to Saturday: 00:00  
Sunday: 22:30  
Off sales to be restricted to basement area hatched green only.

**Opening Hours to Public**  
09:00 to 21:00 Monday to Thursday  
09:00 00:00 Friday & Saturday  
09:00 to 22:30 Sundays

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

**Cumulative Impact 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.

**Public Houses and Bars Policy PB1 states:**

B. 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.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

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 late-night 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.

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.

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 applicant is required to provide further submissions on how the premises will ensure that there is no adverse impact within the West End Cumulative Impact Areas per policy CIP1.

The Licensing authority note the schedule of conditions proposed by the applicant and welcome the additional information in relation to capacity and aspects of the operational style of the premises that go some way in mitigating the potential adverse effects on the licensing objectives. However, the applicant must demonstrate that they will not add to cumulative impact in the Cumulative Impact Zone as per policy CIP1.

Policy point F93 further states:

*"If the premises, to which the application relates is located within the West End Cumulative Impact Zone it is likely to add to the cumulative stress in that area. On this basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the West End Cumulative Impact Zone should be limited to exceptional circumstances."*

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

I look forward to receiving further submissions from the applicant in due course and any submissions will be forwarded to Members for consideration.

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	04 October 2022

I refer to the application for a New Premises Licence.

**The premises are located within the West End Cumulative Impact Zone as stated in the City of Westminster's Statement of Licensing Policy.**

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

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. Hours restricted for the courtyard Monday to Saturday 10.00 to 23.00 hours, Sunday 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' and 'Outdoors' comprising
  - Plays
  - Films
  - Live Music
  - Recorded Music
  - Performance of Dance
Monday to Thursday between 10.00 to 23.30 hours, Friday & Saturday between 10.00 and 00.00 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.



<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Tom Stewart
<b>Received:</b>	04 October 2022
<p>I write in regard to the application for a new premises licence for Basement, 5 Langley Street, London.</p> <p>The MPS as a responsible authority objects to this application on the grounds of 'the prevention of crime and disorder' licensing objective.</p> <p>I am meeting with the applicant's solicitor this week to discuss my representation further.</p>	

2-B Other Persons			
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		
<p>As a resident I'm concerned about the impact of noise generated by an outdoor bar operation and late night arrivals and departures.</p> <p>I agree with [REDACTED] that the later drinking time of 23:00 as long as only 100 customers, all seated, are allowed after 21:00.</p> <p>After 22:30 the gate onto Shelton Street should be closed as per existing conditions.</p> <p>Basement Area</p> <p>I agree with the increased area which would allow capacity of up to 350 people until 23:00, but after that time the capacity should be reduced to 150 people</p> <p>Servicing</p> <p>Deliveries and waste collections for both areas should take place only from within Old Brewers Yard between 07:00 and 10:00 (as permitted by Planning).</p> <p>There needs to be a robust, clear and appropriately staffed dispersal policy.</p> <p>Servicing should take place from within Brewers Yard.</p>			



<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	02 October 2022		
<p>[REDACTED] and I cannot ignore their odd behaviour. First the construction works at unacceptable hours, for what was the installation fibre or wifi, starting at 10pm and finishing at 2am. It happened twice this summer and my partner could not sleep. Then they started getting their beer barrels delivered at 6am. Which was even worse. We get woken up by barrels being slammed and smashed around loudly, it still happens sometimes, not as frequently though. Customers are usually quite loud, and when they have live music we can hear it with all doors and windows shut. They sometimes scream in the alley by [REDACTED] I can also say that what I assume to be some of their customers have previously engaged in consuming illegal substances in the vicinity (weed). If the circumstances had been different I would have had nothing to object but the delivery of barrels at 6am and construction works at night were a bit too much, and I do not want any further disturbances. As my partner and I are workers AND students we cannot lose hours of sleep. I would also like to underline that the neighbourhood is already quite as loud at night.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		
<p>[REDACTED], we strongly object to the increase in hours that they have applied for. We suffer immensely with noise from public houses and clubs in the area anyway as it is and to even think they are happy to apply again for a later licence shows that they don't care about the residents, their neighbours. When football matches are on in London, people congregate outside pubs and the noise impact from crowds is intolerable. The aim of the developers is to make huge profits from people who go out to get drunk. We have to put up with the noise, the sick in the streets and the general rubbish left by these louts. The residents say NO to extending their licences and increasing their capacity. Residents urgently need their sleep, children need peace and quiet and to live a normal life undisturbed by these late night drinkers. We are very disappointed that they have lied to us about managing this area.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	03 October 2022		
<p>I wish to support the concerns of the [REDACTED], we already have to contend with massive amounts of noise and disruption as Covent Garden is a playground for many and a nightmare for those of us who live here ( my family go back 150 years in this area ).</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		
<p>I am angry at this application, after a long consultation process with neighbourhood stake holders these conditions were agreed. What is the point of that procedure if this big corporation just comes back and tries to slip in many of the rejected hours.</p> <p>I am certain that this application will increase the numbers of late night visitors as they arrive and leave. It will severely impact our neighbourhood as the streets and pavements are very narrow and noise echoes in ways. that you could not believe.</p> <p>let Diageo operate under the agreement that was already reached. That seems to be fair and respect the neighbours and the Council's procedures. If after a year or two they prove to be good neighbours and the concerns all of us have in advance of this large development that will dramatically alter our community are unfounded -- let them apply for an extension to hours and we can judge them on their PERFORMANCE not on their aspirations and business plans!</p> <p>I am not in favour of this extension and particularly maddened by their approach after the previous consultations.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	03 October 2022		
<p>Both changes increase the local impact compared to what has already been granted. I am very concerned about the impact on local residents of noise generated by an outdoor bar operation, as well as noise from people arriving at, and leaving, both this area and the large basement events space - especially in the late evening. The site is immediately adjacent to a large residential block, [REDACTED], and there are many upper storey homes along the streets which would be likely to be used to access public transport at the end of the evening.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		
<p>The level of late night disturbance for residents is already high. Adding more revellers into the night after 11:30 pm (a 1:00 am end to that noise) will further deter people living in the City. Residential and commercial can mix but, without due consideration for noise, services, congestion and so on, at different times of the day and night, any workable partnership is not possible. This Application is a step too far!</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		
<p>Living in this area of Covent Garden with its continual loud noise is very annoying and it is bad for my mental health. Excess noise negatively impacts my wellbeing and the thought that the Guinness Group (or whoever they are) feel that they can just do as they like in our neighbourhood fills me with dread. I feel really stressed about it all. I want to go to bed at a decent time and not be disturbed until early morning. Westminster Council has fought successfully to take pedicabs that play loud music from the area - a main cause of stress to court and now its relatively quiet on a night. Guinness want to extend their licence to 23.00 insted of 21.00 in this area, which in effect means we will be able to hear the noise of drunken people well after 12-12.30am and this is not fair on us. Licencing committee need to come and visit the area at 12 midnight and see for themselves how noisy and distrutive the people are who come here to "party". We live with noise here and the majority of time its acceptable as we have made agreements with certain establishments to control the noise. This development is huge and if the capacity in there is to raise, like this company wants there will be an unacceptable anti social behaviour problem in this area. Drinking from 10am to 9pm is bad enough, when the large sports matches are held it will be worse. Please do not grant them a further hours or capacity, we have suffered enough here and we want to live in peace and enjoy our homes.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	03 October 2022		
<p>Both of these requests will add to the already considerable problems in the area. The basement area should be carefully managed. An extra 100 people will potentially cause a risk if the building needed to be evacuated or if an incident took place in the basement that would also be difficult to manage , combined with the small street outside could easily lead to a serious incident. The extension of licience will cause issues for other licenced premises when they are trying to clear their premises. Again in a compact area this will lead to issues that local residents and the police will have to deal with.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 October 2022		

This objection is to changing the licensing hours in the Brewers Yard open area. I understood that the 21:00 end of service was to allow a staggered departure (let out) from the area, rather than having hundreds of people descend (or rise) to the area.

Shelton Street is now the only exit to the west and south from northern Covent Garden. I'll just mention the additional servicing traffic that will have to pass under my windows from this project.

Then there are the taxis, rickshaws, private cars without adequate parking, all of them turning from Endell Street to Shelton Street. Please stagger the leaving times to avoid ceaseless car horns. And rickshaws.

While in general I support Diageo's plans for the neighbourhood, the scale of the project is out of proportion to the sites and the area. We are already overwhelmed with licensed premises, theatres. str/eateries - and traffic.  
350 people in a basement?

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 October 2022		

These people always want more. Don't they care about the distress it courses neighbours. The noise, people make leaving the venue at a late hour when neighbours need to sleep. Not to mention the impact this would have on the entirety of Covent Garden. We don't need more drinkers leaving venues after 11am. We have a living community here who cannot take any more disruption to their lives.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 October 2022		

I feel that the later alcohol license extending from 9pm to 11pm is not taking in to consideration nearby neighbours and the increased footfall late at night in the immediate area. This development is already causing major changes to the area which aren't necessarily wanted by residents and smaller local businesses (restaurants/pubs) and I reject the application for the later license on this basis.



<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	03 October 2022		
<p>Westminster rightly acknowledged the strong objections felt by local residents with their initial decision.</p> <p>Now Diageo is not only pushing to extend the restriction on when alcohol can be served in the yard by two hours to 23:00, they are now also seeking to enlarge proportion of the basement area that can be used for this activity which would swell the capacity of people standing from 250 in their original proposal to 350 - a substantial increase of 40%.</p> <p>The proposed larger numbers of people drinking until later at night would have a seriously detrimental impact on the area.</p> <p>People drinking and socialising in the outside bar together with the enlarged number of people in the basement events space would significantly increase the noise experienced by nearby residential properties. There would also be the attendant disturbances and potential for criminal activity in the surrounding area as large numbers of people attempted to leave the premises or gathered together nearby to prolong their night out.</p> <p>Taken together, these proposals reveal Diageo's total contempt and disregard for both the decision of Westminster's planning committee and the local residents whose objections they are now attempting to override. I strongly urge the committee to reject these proposed changes.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 October 2022		
<p>[REDACTED] I wish to appeal against the extending of opening hours from 9 until 11 pm to the Guinness property as it will impact on the privacy and noise level of people leaving the premises in and around Neal Street and Shelton Street as we suffer this already on a daily basis.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	02 October 2022		
<p>Very concerned about the extension of a license so late at night. Very real public order concerns, especially around noise and urination in the street, which is what happens when there is any late drinking in the area. It will make it that much more uncomfortable for residents like us, who already have to contend with groups of drunken people late at night.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	03 October 2022		
<p>I am opposed to this proposal. The area is already overcrowded and under unacceptable pressure from such activities. What is sought is simply too much and will increase nuisance.</p> <p>I support the position of [REDACTED].</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		
<p>I object to the duration of the hours for serving Alcohol, particularly the open space in Brewers yard as it is likely to bring far too much noise in what is a rather residential area late at night. I also object to the overall capacity increases that are proposed in this application vs the one by the same applicant which was recently approved. The increase in the current application is liable to result in far more crowding, especially when people disperse after a late night. The impact of the local residents will be far to high, in spite of the fact that this may bring commercial benefit to Diageo.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		
<p>We are extremely concerned about the overwhelming amount of people drinking alcohol in this small area of Covent Garden late into the night. The dispersal of these people will be noisy and disruptive. This already densely populated area of Covent Garden full of Residents, Businesses and Tourists from all over the world will be greatly impacted by this proposed increase to the licensing hours from 21.00 to 23.00. Westminster have already reduced requested opening hours, which we feel was the right decision, it would be a mistake to extend before the bars have opened to gauge the issues.</p>			

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		

[REDACTED] At present there are restrictions here that allow residents 8 hours clear rest. Allowing an appeal against this licence will break that. Whilst I want to see my area thrive and grow, I also want the residents to be able to have a quality of life that is not substantially impaired. People leaving premises late at night, in large numbers into small cobbled streets after drinking will urinate (they already do up against my entrance every day and night (unbothered by being seen), they will argue, shout, break bottles and scream. The later hours will mean longer drinking, more drunk people and the inevitable consequences. This is the norm when there are occasions here but it should not be our norm 365 days a year. We know from experience that promises made at the time of application are soon broken and we are left with little redress, support and are adversely affected by the impact and are expected to just plain live with it. We see no material benefit from these large developments/ plans - no community benefit for the residents living in [REDACTED]. The noise and nuisance by egress being through this tiny cobbled street very late at night is unacceptable and will not abate, if the appeal is acceptable until the early hours. It is equally unacceptable for a local authority to disregard and discount the needs of its tax paying residents and favour corporate needs. It is our cleaners for whom we pay who clean up the urine and broken glass. Not street cleaners. It is our lives and homes that are affected by the noise. Not the people making or proposing this decision who do not have to live with it. It is time to put the needs of residents at Odhams Walk and all the surrounding streets on an equal footing with business and for the local authority to listen.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 October 2022		

[REDACTED] I am worried about the impact on my family if this licence is allowed. In licensing terms this means trying to prevent so much 'Public Nuisance' & give some 'Protection of Children from Harm'.

Old Brewers Yard is a service space, and always has been. It generates no noise or activity outside itself. But it's proposed to change it into an outside bar with drinking & private events. This is a huge intensification.

There will be more people around until later. Many will be under the influence of alcohol. This causes public nuisance and damages children's quality of life.

My neighbours and I thought that the council understood this when they said on the licence in June that Old Brewers Yard had to close by 9pm. This was a big relief for us.

Please don't let Old Brewers Yard stay open any later.

This application wants to make the basement events space in Langley Street even bigger, too. Private events are a serious problem around here, particularly things like hen nights & sports screenings. Families are trying to get a decent night's sleep to go to school & work next day.



Please don't let any more space in the Langley Street basement be used for events. Or, if you can't stop them using more space, then please restrict the number of people who can be there late in the evening to 100 or so at most.

Please also don't allow any big private events or sports screenings after 8pm. Large groups shouldn't be coming & going when kids need to be getting to sleep.

If you were to allow this application through, there would also be more deliveries & collections to serve the extra business. But the area is already chaotic. Shelton Street is often blocked with trucks, pushing deliveries into my street at all hours. When commercial units allow this to happen, they are often breaking Planning conditions about

If you were to allow this application through, there would also be more deliveries & collections to serve the extra business. But the area is already chaotic. Shelton Street is often blocked with trucks, pushing deliveries into my street at all hours. When commercial units allow this to happen, they are often breaking Planning conditions about not delivering from our streets & sticking to certain hours.

Planning conditions have been shown to be unenforceable around here, whereas businesses are much more careful about abiding to any Licensing conditions that they have. So it's important that your Licensing department makes sure that deliveries & collections are strictly controlled by any Licence. In particular please don't allow any deliveries before 8am. 7am is too early for us.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		

These extra requests are concerning me and I object  
 The outside drinking until 23:00 on such a large scale will only exacerbate issues related to drinking and the noise associated with it for local residents.  
 Large numbers, and especially the increase of the capacity of the basement, is really a threat to the character of the area and it remaining "civilised" and not a "party quarter".  
 I would like to object to these extensions on the basis that it would turn the place into a massive operation with hundreds of people drinking late, and it will impact severely local residents.  
 What they have now been granted is really sufficient to run a sound business. I would like the Council to protect its residents and not give in to the pressures of big business to the detriment of its residents.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	03 October 2022		

I object to the further extension of hours from 21-00 to 23-00, as this will have significant detrimental impact on local residents.

I be also object to the increase in the number of people standing from 250 to 350, ad this too will have a significant detrimental impact on local residents.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	03 October 2022		

It seems necessary to repeat our concerns about these proposals and applications so I reiterate my support for the views expressed by [REDACTED] which have been presented after consultation with local residents.

Both changes proposed in these revised applications increase the local impact compared to what has already been granted under Licensing.

I join with [REDACTED] view that we are concerned about the impact on local residents of noise generated by an outdoor bar operation, as well as noise from people arriving at, and leaving, both this area and the large basement events space - especially in the late evening.

We continue to have concerns about the impact of servicing (deliveries and collections) from these premises which are detailed in [REDACTED] response.

We rely on our the members of licensing and planning committees whose members are selected from our elected representatives to balance the interests and any likely conflicts between businesses and residents. We need and welcome successful businesses in our area but you must always remember the influence these often have on the peaceful lives of those who makes their homes here.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		

[REDACTED]  
[REDACTED] I have grave concerns about the impact this night time economy venture will have on the quality of my residents homes. These are all permanent residents of Covent Garden who already struggle with noise disturbance late at night and early morning deliveries. Unlike our neighbours in Soho Covent Garden is know for its high end retail and restaurants not late night drinking.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 October 2022		

I object to an 23:30 pm license for the outdoor brewers yard and wish for this part to close at 9pm. As previously stated the congregation will cause a lot of noise nuisance and disturbance to the local residential families.

It will take a further 30mins -1h for people to disperse from the outside premises causing further nuisance. I am also concerned about the pollution a large group of people smoking cigarettes

would cause for the families living close. Especially in the summer months when windows need to be open for ventilation.

I am also against the increase of standing number from 250-350 people for private functions in the cellars, the increase by 100 people will cause a further strain on local amenities such as public transport. Also 350 people spilling out at the end of the evening is a very large amount to manage. People walking upstairs to smoke cigarettes will also cause a noise nuisance for the local residence. As this premises main focus is alcohol I am also very concerned with the number of drunk people being let loose in the local area after the doors shut. Peeing against walls, screaming and shouting and having fights. Police are already understaffed and over stretched as it is.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 October 2022		

1. I am writing on behalf of our residents' organization to object to the cumulative disruptive effect on local residents if an extension is effectively granted to the licensing hours for the Brewers Yard and capacity is increased for the basement area. There should be a reasonable and responsible balance between the ever-constant push by commercial concerns to attract the highest possible numbers of people to visit their venues for the maximum possible length of time and the needs of the local people who are already living there. An increase in capacity will bring the potential total number of visitors to 1,050 with all the additional noise this will bring. The local population which includes many families with children, should be able to enjoy some semblance of normal life in this already extremely busy part of central London and not be expected to contend with an additional cacophony of noise throughout the evening. There will very likely be an added, knock-on effect on the numbers of people leaving the area in high spirits at unsociable hours as they head out of the area to reach public transport farther north in the predominantly residential [REDACTED].

2. **Old Brewers Yard, Open Area:** On account of these concerns, we would urge the Licensing Panel to reject the application by Diageo for a new premises licence and retain the hours which were considered reasonable when a licence was originally granted in June of this year.

On account of the open aspect, we think that it would be appropriate to restrict capacity to a maximum of 100 people, seated, during opening hours.

3. **22/08433/LIPN Basement area, Langley St:** to reduce the cumulative impact of disruption from higher numbers of visitors, we object to the application to increase capacity to 350 and would urge the Licensing Dept to restrict capacity to 150 persons.



<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	05 October 2022		

This application is for a new premises licence to replace the licence that was granted for the same site as one of a group of 4 separate applications in June 2022. The application will replace 22/02734/LIPN granted in June, and also 21/09021/LIPT which was to be surrendered before 22/02734/LIPN would become effective.

The development of which this form's part has now been through the Planning process. But there are still some details which need to be completed before Planning Permission is formally granted.

The main changes proposed in this application compared to the licence granted in June 2022 are as follows:

- The hours for the sale of alcohol in Brewers Yard are extended from a terminal hour of 21:00 to end at 23:00.
- The capacity of Brewers Yard is set at a maximum of 150 people, with seating for 100 being available. Planning resolved to permit this number but with 100 seated.
- The size of the area licenced for the sale of alcohol in the basement of the premises is substantially increased (see section on capacity below) Planning resolved to permit permitted a capacity of 350 people for the increased area but the licence application leaves the number to be determined by EH and Licensing. The Decision document from the June Licensing hearing suggests that the capacity expected at that time is circa 100 people.

These changes will harm the Licensing Objectives related to **Public Nuisance** and **Crime and Disorder**. This is because of the increased number of people arriving at and leaving the premises until the end of Core Hours and because of the impact of a 150 person open air bar until 23:00 in an area which is currently a service yard for the surrounding buildings.

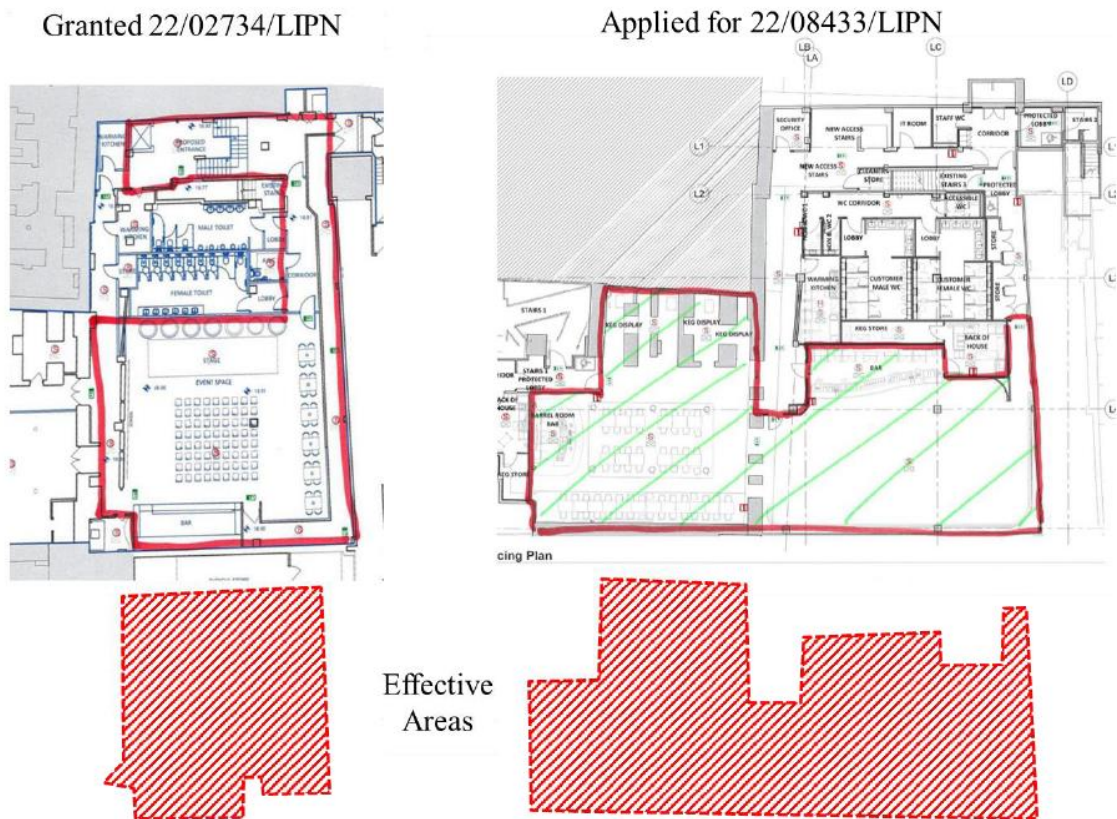
We have attached a plan which shows the location of these premises (and the other licensing already granted for the development) in relation to residential properties. This illustrates that both the operation of the premises and arrival and dispersal of customers will have a significant impact on local residents and is likely to harm the Licensing Objective of the prevention of public nuisance.

We have attached a heat map showing reported crime and ASB within 400m (1/4 mile) of the premises in the 12 months to July 2022. This area had 10,327 incidents in this period. If this was its own ward it would be the 3rd worst in London. Adding more people who have been drinking alcohol to the number already in the area is very likely to increase the level of crime and disorder because it increases the number of potential victims.

#### Premises Capacity

Neither the Yard area (which will operate as a bar) nor the basement (which will be an events space) has a specific capacity on the face of the granted licence, but at the Licensing Hearing the Decision records that the capacity for the open air bar was given as 200 people and the Committee's reasoning for granting the licence in the basement was that it was for circa 100 people for events.

With respect to the basement, below we show the licensed areas included in the plans, with the 'effective areas' for the previous and new licence applications compared. These 'effective areas' remove circulation spaces such as corridors from the licensed areas to give a clearer illustration of how much space is available for customers.



This shows that the new area available for events is substantially greater than that previously granted. A higher number of people leaving at the end of any event increases the risk to the Licensing Objectives.

Planning have resolved to permit a capacity of 500 in total, 350 in the basement and 150 in the open area. However if the licence were to permit the same then there would no longer be any reduction in capacity compared to the Nightclub which occupied the basement of 5 Langley Street and which is being surrendered (21/09021/LIPT). It was the surrender of this licence which the June Licensing Committee considered as justifying the exception which allowed the grant of the new licence. The Decision was explicit that it was the reduction in capacity and hours for the basement use which meant the application could be granted. If these capacities are granted the capacity returns the capacity to the previous level, leaving **only** the reduction in hours in the basement to justify the exception to Policy PB1 which is required to allow a 150 capacity bar to operate until 23:00 in an area which is open to the street and hence with only limited sound mitigation.

The [redacted] view is that, if the capacity of this part of the development is no longer reduced, there is no longer sufficient justification for the external bar area, even with a 21:00 close, and certainly not enough to justify allowing it to be open until 23:00. Although every application needs to be considered on its merits, the same development includes 3 other licenced areas with a capacity (based on what Planning have said they will grant) in excess of another 500 people, bring the total to over 1,000 people where previously there were only 500 in a basement.

The [redacted] believes that it is only possible for a new licence to be granted which permits at least some of the additional capacity and hours sought by the applicant, and which would mitigate the

impact on the Licensing Objectives, under the following circumstances:

1. Extend the hours in Brewers Yard to 23:00 but restrict its capacity after 21:00 to 100 customers, in line with the seating available. This can be done by preventing entry after 20:30 until the number of people in the Yard has reduced to 100 and then allowing it to resume.
2. Set 22:30 as the last time for entry into Brewers Yard, so that the number of people reduces gradually up to 23:00.
3. Require the Shelton Street gate to be closed at 22:30 to reduce noise impact in the surrounding area.
4. Permit the increased area in the basement but restrict the capacity after 23:00 to 150 people, which we believe is likely to be in line with the seated capacity of the enlarged area. This would allow larger events to take place during the day and early evening, but mean that any later event would need to be size limited.

These changes would reduce the number of people in these two parts of the premises in stages, so that after 21:00 there would be 450 and after 23:00 there would be 250. We believe that although this exceeds the numbers discussed in the previous hearing it would, together with the last entry time and changes to the Operational Management Plan mentioned below, reduce the impact on the Licensing Objectives.

#### Deliveries

We also ask that another condition be revised.

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

amended to

14. No deliveries to the premises shall take place between 10:00 and 07.00 hours on the following day and all deliveries shall be made from within Old Brewers Yard.

This is needed because deliveries to these premises outside these times would need to be made from Shelton Street or Long Acre (as Langley Street and the Yard are not available). This would disturb residents if done in the late evening, and would cause congestion if done at other times. It would also be consistent with the Planning requirements. Using Langley Street (which is very narrow) for deliveries will restrict the ability of businesses and residents in Langley Street and Mercer Walk to receive their own deliveries.

#### Dispersal

The SoLP makes clear (B5) that:

“The effective dispersal of customers both from premises and from the Cumulative Impact Areas is regarded by the Licensing Authority as a key principle of its policy to promote the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety.”

In the Hours Policy (HRS1) it states that:

E4. The Licensing Authority expects applicants to consider how people using the premises are to depart from the premises and from the area. Applicants will be expected to demonstrate how customers will disperse from their premises within their operating schedule. **Applications within the Cumulative Impact Zone or Special Consideration Zones will have to clearly demonstrate how customers will disperse, and a dispersal plan may be provided with the application**

and

E8 The Licensing Authority expects applicants to consider how people using the premises are to depart from the venue and from the area **and make reference to it in their operating schedule**.... Applicants are **encouraged to include a dispersal plan** as part of their application. Dispersal plans are extremely useful in setting out the applicant's approach and considerations to promoting the licensing objectives. They also **assist residents and members to understand the likely dispersal methods** patrons will have from the venue

Given this, it would seem reasonable to assume that the **actual** dispersal policy for these premises, especially as they are within the CIZ and proposing to operate until the end of Core Hours, would be a matter of some concern to the Licensing Authority. However no dispersal policy has been proposed with this application. Condition 21 merely states that:

"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 Police and the Licensing Authority upon request."

This at least requires that there will be a dispersal policy. However, nothing is included to indicate how it is intended to operate. It also permits the applicant to amend this policy as he sees fit. There is no requirement that the Licensing Authority or the Police give any input either to the initial dispersal policy or to any revision of it. And the Dispersal Policy does not form part of the application, despite the Policy being clear that the applicant needs to be able to demonstrate how people leave. The licensee can, in theory, do as much, or as little, as he wants, the only requirement is that there is a policy.

The Operational Management Plan, including dispersal, was put before the June Licensing Committee. The ██████ raised concerns at the time, but our proposed condition was rejected as not being precise enough. The Committee accepted a vague OMP from the applicant with condition 21 above.

The same Operational Management Plan was put before the Planning Committee, and the ██████ and others made similar comments about the lack of clarity about how dispersal would be managed. At the Planning Committee the Officers and Councillors agreed, and the applicant is now required to draft a new OMP together with the ████████████████████ as well as other Statutory Organisations. This OMP will then need to be approved by the Planning Committee.

Once this OMP has been produced it will "assist residents and members to understand the likely dispersal methods patrons will have from the venue" as required by HRS1 (E8). Until this is done this will be unclear.

We are told frequently by officers and applicants representatives that Planning and Licensing are separate regimes with different concerns. Given that dispersal is a "key principle of its policy to promote the licensing objectives of the prevention of crime and disorder, public nuisance, and public safety" we do not believe that the Licensing Authority should be relying on the Planning process to produce a dispersal plan. However, because Planning have insisted on revisions to the OMP, including dispersal, with the involvement of local groups, our view is that there is a good chance that the initial OMP will mitigate the impact on the Licensing Objectives of dispersal from the licenced premises. However there is still the risk that subsequent changes to the OMP may lead to harm to the Licensing Objectives. We therefore believe that Clause 21 should be modified so that changes to the OMP can only take place with the agreement of the Licensing Authority, so that there is a requirement for a discussion to take place before any changes are made.

At the risk of being told again that our proposed condition is not precise enough, we would like to



suggest the following. We of course welcome suggestions from Officers on this:

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. Copies of these documents shall be made readily available to the Police and the Licensing Authority upon request. No changes to the plans may be made without a review with and agreement from the Licensing Authority and the Police, unless the changes will not have any impact on the Licensing Objectives.

In summary we believe that, as applied, for the grant of the licence will fail to support the Licensing Objectives. We have suggested some changes to reduce the impacts whilst not substantially restricting the proposed operation. We ask that you consider these.

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.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 October 2022		

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

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

About [REDACTED]

[REDACTED] is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, by improving its facilities, amenities and environment.

#### **Application summary New Premises Licence**

Former basement space used as a nightclub but now to be associated with external space on ground floor in Old Brewer's Yard at rear of 28-32 Shelton Street. Basement area will be conditioned with core hours and only to be used for private pre booked functions or as an event space. The Old Brewer's Yard will operate as an open space bar for the general public. Planning permission has been granted to use the Yard until 23:00 when it must close.

**Supply of Alcohol :** Mon - Sat: 10:00 - 23.00. Sun: 12:00 - 22:30

**Basement :** Terminal hours for the supply of alcohol in the basement area hatched green on the plan to be: Mon - Thurs : 23:30. Fri - Sat : 00:00. Sun : 22.30.  
Off sales to be restricted to basement are hatched green only.

**Late Night Refreshment :** Mon - Thurs: 23:00 - 23.30. Fri - Sat: 23:00 - 00:00

**Basement:** This activity after 23:00 to be restricted to the basement hatched green on the plan

#### **Plays/Film/Live Music/Recorded Music/Performance of Dance**

Mon - Thurs: 23:00 - 23.30. Fri - Sat: 23:00 - 00:00.

**Basement :** This activity after 23:00 to be restricted to the basement area hatched green on the plan

**Opening Hours: Mon - Sat : 10:00 - 23.00. Sun: 12:00 - 22:30**

**Basement :** Terminal hour in basement are hatched green to be, Mon - Thurs : 23:30. Fri - Sat : 00:00. Sun : 22.30

**Condition 24:** No more than 150 permitted in Old Brewer's Yard area hatched red and in that area seating shall be provided for a minimum of 100 persons.

#### **██████████ Position**

██████████ objected to the original application 22/02734/LIPN and we object again to this new application on the same grounds. We also highlight an additional concern relating to the event space in the basement, we note from the plans the significant increase in the licensable area compared to the current licence. These premises are in close proximity to Soho and we are worried 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.** Patrons from these premises will without doubt 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 above already 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

## Top Streets all crime – 1<sup>st</sup> Nov 21 – 28<sup>th</sup> Feb 22

GREEK STREET	239	GOLDEN SQUARE	14
OLD COMPTON STREET	231	ARCHER STREET	14
WARDOUR STREET	138	GREAT PULTENEY STREET	14
SHAPTESBURY 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	43	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	RAMILLIES STREET	7
POLAND STREET	24	DUPOURS PLACE	6
MANETTE STREET	24	WALKER'S COURT	6
MOOR STREET	23	MEARD STREET	6
RUPERT STREET	18	WARWICK STREET	5
LITTLE MARLBOROUGH STREET	17	FOUBERT'S PLACE	5
INGESTRE PLACE	15	NOEL STREET	5

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, 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 Metropolitan Police Soho Neighbourhood Ward Panel March 2022.

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 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 into the 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 moving into Soho 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.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	In support
<b>Received:</b>	12 September 2022		

[REDACTED] 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.

[REDACTED] 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. Following the grant of planning, the previous scheme has been adjusted and there has been further dialogue and changes made to the scheme since originally submitted, which include a reduction in capacity of the external area, with the hours matching those approved under planning.

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 reduces cumulative impact.

Diageo have proposed a new suite of conditions 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 (as he then was) 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 conditions.

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

██████████ 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:	
<b>Policy CIP1 applies</b>	<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"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <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>
<b>Policy HRS1 applies</b>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs</li> </ol>



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 12am

3. **Hotels:** 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. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.

4. **Off licences:** Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.

5. **Outdoor Spaces:** 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.

6. **Pubs and bars, Fast Food and Music and Dance venues:**  
Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.

7. **Qualifying Clubs:** Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

8. **Restaurants:** 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.

9. **Sexual Entertainment Venues and Sex Cinemas:** 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.

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.

	<p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy PB1 applies</b></p>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>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.</li> <li>4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</li> </ol> <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"> <li>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,</li> <li>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.</li> <li>3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.</li> </ol> <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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Existing premises licences and premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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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 representation	04 October 2022
5	Environmental Health Service representation	04 October 2022
6	Metropolitan Police Service representation	04 October 2022
7	Interested party 1 representation	04 October 2022
8	Interested party 2 representation	02 October 2022
9	Interested party 3 representation	04 October 2022
10	Interested party 4 representation	03 October 2022
11	Interested party 5 representation	04 October 2022
12	Interested party 6 representation	03 October 2022
13	Interested party 7 representation	04 October 2022
14	Interested party 8 representation	04 October 2022
15	Interested party 9 representation	03 October 2022
16	Interested party 10 representation	05 October 2022
17	Interested party 11 representation	05 October 2022
18	Interested party 12 representation	05 October 2022
19	Interested party 13 representation	03 October 2022
20	Interested party 14 representation	05 October 2022
21	Interested party 15 representation	02 October 2022
22	Interested party 16 representation	03 October 2022
23	Interested party 17 representation	04 October 2022
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25	Interested party 19 representation	04 October 2022
26	Interested party 20 representation	05 October 2022
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31	Interested party 25 representation	04 October 2022
32	Interested party 26 representation	05 October 2022
33	Interested party 27 representation	05 October 2022
34	Interested party 28 representation	05 October 2022
35	Interested party 29 representation	12 October 2022







**Applicant Supporting Documents**

**Appendix 2**

Please see the next page





Old Brewer's Yard, London, WC2  
Noise Impact Assessment

Prepared by: Richard Vivian, Big Sky Acoustics Ltd  
On behalf of: Diageo Great Britain Limited  
Document Ref: 22111098  
Date: 13<sup>th</sup> November 2022

**Big Sky Acoustics document control sheet**

Project title:	Old Brewer's Yard, London, WC2 Noise Impact Assessment
Technical report number:	22111098
Submitted to:	Tom Johnson Diageo Great Britain Limited 16 Great Marlborough Street London W1F 7HS
Submitted by:	Richard Vivian Big Sky Acoustics Ltd 60 Frenze Road Diss IP22 4PB 020 7617 7069 info@bigskyacoustics.co.uk
Prepared by:	Richard Vivian BEng(Hons) MIET MIOA MIOL Principal Acoustic Consultant

**Document status and approval schedule**

Revision	Description	Date	Approved
0	Approved for issue	13/11/2022	RV

**DISCLAIMER**

This report was completed by Big Sky Acoustics Ltd on the basis of a defined programme of work and terms and conditions agreed with the Client. The report has been prepared with all reasonable skill, care and diligence within the terms of the contract with the Client and taking into account the project objectives, the agreed scope of works, prevailing site conditions and the degree of manpower and resources allocated to the project. Big Sky Acoustics Ltd accepts no responsibility whatsoever, following the issue of the report, for any matters arising outside the agreed scope of the works. This report is issued in confidence to the Client and Big Sky Acoustics Ltd has no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk. Unless specifically assigned or transferred within the terms of the agreement, Big Sky Acoustics Ltd retains all copyright and other intellectual property rights, on and over the report and its contents.

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## **Executive summary**

The application site is part of a development that revitalises this part of Covent Garden which is historically associated with the brewing industry.

The premises consist of Old Brewer's Yard and the basement of 5 Langley Street. The basement area is fully enclosed and the proposal is to use this as an education, training and event space. Old Brewer's Yard will now be open to the public but there will be no admission to the area after 22:30hrs when the sale of alcohol will cease, and the area will close at 23:00hrs.

A comprehensive suite of premises licence conditions have been proposed and these include measures to control noise from all licensable activities. Further conditions have been added in response to representations made by individual residents and by the Covent Garden Community Association.

Calculations indicate that noise from patrons using the outside area will be below the existing background noise level at all noise sensitive receptors.

On balance the risk of noise impact from this application will be significantly lower than the 500 capacity music-led nightclub it replaces.

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## **1.0 Qualifications and experience**

- 1.1 My name is Richard Vivian. I am the founder and director of Big Sky Acoustics Ltd. Big Sky Acoustics is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies, residents' groups and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a Bachelor of Engineering Degree with Honours from Kingston University, I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics and the Institute of Licensing.
- 1.3 I have over thirty years of experience in the acoustics industry and have been involved in acoustic measurement and assessment throughout my career. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK. I have given expert evidence in the courts, in licensing hearings, in planning hearings and inquiries on many occasions.

## **2.0 Introduction**

- 2.1 Big Sky Acoustics Ltd was instructed by Tom Johnson of Diageo Great Britain Limited to carry out an assessment of the impact of noise from proposed licensable activities at Old Brewer's Yard, London, WC2.
- 2.2 The application is for premises consisting of Old Brewer's Yard and the basement of 5 Langley Street. The basement area is fully enclosed and the proposal is to use this as an education, training and event space operating under core hours only, with a capacity of 350 persons up to 23:00hrs, reducing to 150 after 23:00hrs.
- 2.3 It is proposed that Old Brewer's Yard will be open to the public and offer seating for 100 persons, with a provision for up to 50 standing. There will be no admission to the area after 22:30hrs when the sale of alcohol will cease. The area will close at 23:00hrs. There will be no regulated entertainment in the outside area.
- 2.4 This report was prepared following detailed discussions with the applicant's team, examination of the existing planning consent for the site, examination of the existing premises licences for The Langley, inspection of drawings and other documents.
- 2.5 A glossary of acoustical terms used in this report is provided in Appendix A.
- 2.6 All sound pressure levels in this report are given in dB re: 20µPa.

## **3.0 Site and surrounding area**

- 3.1 I am familiar with the site location and the wider area. I have carried out noise assessments in the area for many years.
- 3.2 The application site is part of a development that revitalises this part of Covent Garden which is historically associated with the brewing industry. Old Brewer's Yard is on the site of the Woodyard Brewery which was founded around 1722 and

- acquired by Combe & Co in 1787. Combe & Co then merged with Watney & Co. Ltd and Reid's Brewery Co. Ltd to form Watney, Combe, Reid & Co. Ltd which was the largest brewer in London. The Woodyard Brewery closed in 1905.
- 3.3 The yard was being used as the bin store and servicing space for buildings surrounding the site and it has not previously been accessible to the public.
  - 3.4 Old Brewer's Yard is bordered on all sides by Neal Street to the east, Langley Street to the west, Long Acre to the south and Shelton Street to the north. The Yard is accessible on foot and by vehicle from Shelton Street near to the junction of Neal Street and The Crown & Anchor public house. It is also accessible on foot from Langley Street providing the most direct pedestrian route south to Long Acre and Covent Garden tube station.
  - 3.5 The nearest private residential properties were the flats at 17 Neal Street which overlooked the site, but these are being converted to commercial use. The site is therefore shielded from noise sensitive receptors.
  - 3.6 Covent Garden tube station is immediately to the south east of the site. The Piccadilly Line operates a night tube service at weekends. 300m to the west is Leicester Square tube station. The area has a PTAL<sup>1</sup> rating of 6b which is defined as having excellent access to public transport.
  - 3.7 The noise climate in the area is characterised by road noise including private cars, buses and taxis, pedicabs, some plant noise, and general pedestrian activity. Commercial aircraft are usually noticeable up until around 23:30hrs.
  - 3.8 There are short duration noise peaks that occur all through the night including emergency service sirens, police helicopters, refuse and recycling collections, and street cleansing.
  - 3.9 It is important when assessing the impact of noise from an individual premises in an area that the concept of additional noise associated with the specific activity of that premises is taken into account. The incremental change to noise levels caused by the use of this substantially shielded courtyard area at a location where there is already established noise and activity could be so small as to be undetectable when it is masked by the existing noise in the area.
  - 3.10 Relevant to this application is the offer to surrender the existing premises licence for the 5 Langley Street basement site which formerly traded as Langley nightclub (aka The Foundation and Bar Langley in recent years). This premises licence has a capacity of 500 persons (excluding staff) with the sale of alcohol ceasing at 01:00hrs and the premises closing at 01:30hrs Monday-Saturday and 01:00hrs on a Sunday. This application replaces this night club operation with an earlier finishing time (within core hours) and much smaller capacity after 23:00hrs, and with Old Brewer's Yard winding down and closing even earlier.

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<sup>1</sup> Transport for London's (TfL) Public Transport Accessibility Levels (PTALs). PTALs are a detailed and accurate measure of the accessibility of a point to the public transport network, taking into account walk access time and service availability. The method is essentially a way of measuring the density of the public transport network at any location within Greater London.



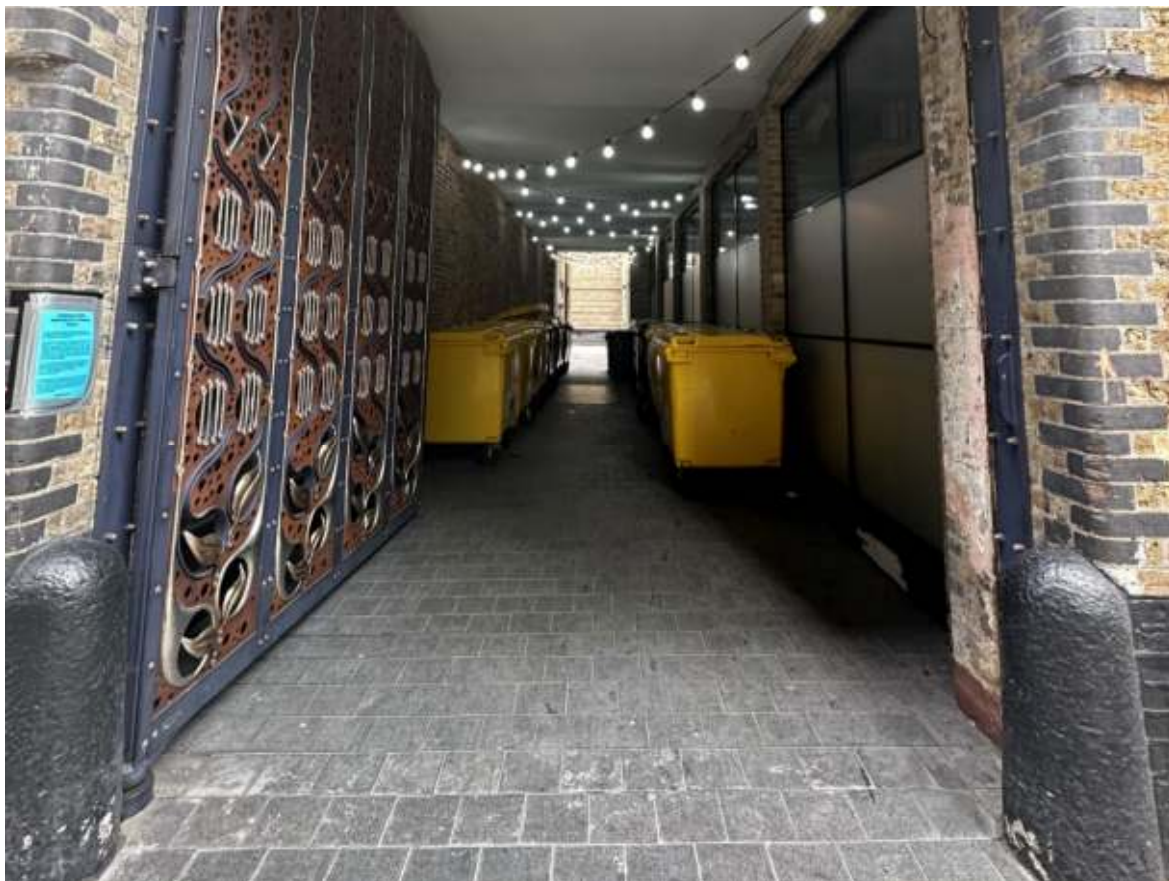


Figure 1: Langley Street entrance to Old Brewer's Yard



Figure 2: View from Langley Street entrance towards Long Acre. Covent Garden tube station is 30m to the left of the junction with Long Acre.





Figure 3: View from inside Old Brewer's Yard towards Shelton Street



Figure 4: Taken from Shelton Street entrance. From here turn right onto Neal Street and Covent Garden tube station is 100m to the south.

- 3.11 It is also a consideration that a bona-fide commercial premises in the area can reduce street drinkers, rough sleeping, litter, street urination and other crime as the commercial operation seeks to eliminate this type of activity from the immediate surroundings for the benefit and safety of their own patrons and employees, as well as the wider community. This is achieved through good lighting, CCTV coverage, litter removal and a presence of professional personnel who will be able to observe and record all activity in the immediate area. It also assists that the tenant of this building and those which adjoin are the same one entity and can manage those premises both collectively and responsibly

## **4.0 Criteria**

### **Licensing Act 2003**

- 4.1 The Licensing Act 2003 requires Westminster City Council, in its role as Licensing Authority, to carry out its various licensing functions so as to promote the following four licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevent of public nuisance
  - The protection of children from harm
- 4.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, therefore these four are of paramount importance at all times. The Licensing Authority must base its decisions, in relation to determining applications and attaching any conditions to licences, on the promotion of these licensing objectives.
- 4.3 The Licensing Act 2003 further requires the Licensing Authority to publish a Statement of Licensing Policy (SLP) that sets out the policies the Licensing Authority will apply to promote the licensing objectives when making decisions on applications made under the Act. The current Statement of Licensing Policy (revision 7) has been operative since 1st October 2021.
- 4.4 The SLP seeks to balance the interests of business and residents to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment and cultural venues within an environment that is safe and attractive to residents, business and visitors.
- 4.5 Policy PN1 addresses the prevention of public nuisance identifying 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 nuisance occurring. Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, limit the escape of noise from the premises, restricting noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping,

minimise and control noise from customers arriving at the premises and departing from it, minimise and control noise from staff, contractors and suppliers and their activities, minimise and control noise from vehicles associated with and providing services to the premises and their customers.

- 4.6 Appendix 11 of the Statement of Licensing Policy provides guidance on noise.
- 4.7 When it comes to the evaluation of noise under the Licensing Act an understanding of the concept of *public nuisance* is essential. Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 4.8 Once those involved in making licensing decisions are satisfied of the existence of a public nuisance, or its potential to exist, the question is how to address it. Home Office Guidance<sup>2</sup> is useful in this regard and explains that in the context of noise nuisance conditions might be a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time, noting that conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable.
- 4.9 The guidance is clear that any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community.
- 4.10 The guidance also states that any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. (This is why there is still a need for a licence for performances of live music between 23:00 and 08:00hrs even though it is deregulated at other times).

### **Other relevant legislation**

- 4.11 In addition to the protection afforded under the Licensing Act 2003, members of the public are protected from noise that is a nuisance.
- 4.12 The Environmental Protection Act 1990 part III deals with statutory nuisance which includes noise. This Act allows steps to be taken to investigate any complaints which may then result in the issuing of an abatement notice and a subsequent prosecution of any breach of the notice. A statutory nuisance is a material interference that is prejudicial to health or a nuisance.

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<sup>2</sup> Revised Guidance issued under section 182 of the Licensing Act 2003, effective from 6 April 2018

### **Operational objectives**

- 4.13 Diageo was formed in 1997 from the merger of Guinness Brewery and Grand Metropolitan. It is a multinational company, with its headquarters in London. It has a primary listing on the London Stock Exchange and is a constituent of the FTSE 100 Index. It has a secondary listing on the New York Stock Exchange.
- 4.14 The team at Diageo Great Britain Limited are committed to promoting good relationships with their neighbours, both commercial and residential and therefore, in addition to all statutory obligations, it is a primary operational objective that noise from the normal operation of the premises does not have a detrimental impact on the neighbourhood.
- 4.15 A comprehensive suite of premises licence conditions have been proposed and these include measures to control, or eliminate, noise from all licensable activities at the premises. Further conditions have been added in response to representations made by individual residents and the Covent Garden Community Association.
- 4.16 A series of operational tools, including specific noise management and dispersal policies, have been drafted for this site based on industry best practice and then tailored to this site and the specific needs of the immediate neighbourhood. The Operational Management Plan will evolve as the site evolves and be regularly reviewed and updated.

## **5.0 Predicted noise of patrons in outdoor areas**

- 5.1 We hold a library of noise data in the immediate area. Unattended noise surveys<sup>3</sup> carried out for the planning application at this site identified that the lowest background noise level, measured on the roof of 32 Shelton Street, was 50dB  $L_{A90,15mins}$ . Roof top surveys are convenient but tend to record lower noise levels than façade surveys due to the physical separation, and obstruction of line of sight, to vehicle and pedestrian activity at ground level. Sound pressure levels at a street façade will be higher (typically 3-6dB higher) and such levels correlate with other noise surveys carried out by Big Sky Acoustics Ltd and are typical for the area. However, for the purposes of an assessment comparing the existing noise climate with the predicted noise of a group of people outside, the lower rooftop background sound level will be applied.
- 5.2 In order to assist in the understanding of actual noise levels produced by people outdoors it is important to understand the effects of the noise source (i.e. people talking) and how that noise level increases as the number of people talking increases.

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<sup>3</sup> Noise survey by Acoustic Consultants Limited between 26th November and 1st December 2021 (report reference: 9377/BL) submitted with application number 22/02009/FULL.



- 5.3 Referring to relevant international standards<sup>4</sup> for human speech sound level, and also data held in our own library, normal conversation is typically in the range of 54-60dBA when measured at 1 metre.
- 5.4 In assessing for a worst-case condition then I have considered that the courtyard is operating at maximum capacity with 100 people seated and 50 people standing.
- 5.5 In normal conversation no more than 50% of them would be talking (there will be at least one listener for each talker). If we now consider people to be talking at the upper end of the normal speaking range, and look at a worst case scenario of half of the people talking concurrently at 60dBA, then in order to calculate the total noise level we logarithmically sum 75 sources of 60dB as follows:

$$\Sigma = 10 \log \left( n \times 10^{\left(\frac{60}{10}\right)} \right)$$

where  $n$  is the number of people talking

- 5.6 The formula above gives a value for total sound pressure level for a group of 150 people to be 78.8dBA.
- 5.7 It is important to remember that this is a worst-case value, when 50% of the people are talking simultaneously and loudly. In reality general lulls in the conversation, smoking, eating, or conversations where there are more than one listener to each talker, mean that less than 50% of an average group will be talking simultaneously.
- 5.8 Sound is attenuated in air and this effect is noticeable as the listener moves away from the source. In a free field for every doubling of distance from a noise source the sound pressure level  $L_p$  will be reduced by 6 decibels.

$$\begin{aligned} L_{p2} - L_{p1} &= 10 \log (R_2 / R_1)^2 \\ &= 20 \log (R_2 / R_1) \end{aligned}$$

where

$L_{p1}$  = sound pressure level at location 1 (dB)

$L_{p2}$  = sound pressure level at location 2 (dB)

$R_1$  = distance from source to location 1

$R_2$  = distance from source to location 2

A "free field" is defined as a flat surface without obstructions.

- 5.9 In calculating distance attenuation, the noise of people talking is assumed to be a number of discrete point sources so if the noise source is 79dB at 1 metre, then at 2 metres it is attenuated to 73dB, at 4 metres 67dB, and so on.
- 5.10 Attenuation due to distance means that a separation distance of 27 metres renders the sound of 150 people to be below the lowest background noise level (50dB  $L_{A90}$ )

<sup>4</sup> ISO 9921:2003 Ergonomics - Assessment of speech communication, Annex A, Table A1 shows the vocal effort of a male speaker and related A-weighted speech level (dB re 20  $\mu$ Pa) at 1 m in front of the mouth. The table indicates that relaxed vocal effort is 54dB, and normal vocal effort is 60dB.

as measured on the roof of Shelton Street), and this typically equates to the noise being subjectively inaudible.

- 5.11 A further attenuation of the noise source is achieved by the insertion of a physical barrier that obscures direct line-of-sight from the receptor position to the source position. It is accepted that the courtyard is enclosed on four sides and not overlooked by any residential properties. If line of sight is obscured between the source and receptor locations by substantial and thick barriers (i.e. buildings) an additional attenuation of 12-20dB<sup>5</sup>, or greater, can be expected in the mid-band (vocal frequencies).
- 5.12 Noise from people using the courtyard would not increase the average noise level at any residential property façade as line of sight is obstructed by the buildings surrounding the courtyard and sound is attenuated in air over the separating distance.
- 5.13 Any new residential developments in the area will be required to take into account the existing noise climate due to road traffic and other noisy activity and will therefore have to provide suitable internal noise levels for normal living. This is typically achieved with modern glazing and ventilation systems.
- 5.14 Inside a residential property all external noise sources are attenuated by the glazing, by the distance from the noise source to the window, and by any physical obstruction of clear line of sight to the noise source.

## **6.0 Appendix 11 Risk Assessment**

- 6.1 A risk assessment has been prepared to assist the Environmental Health Consultation Team make an assessment of the risk of any increase in public nuisance in the area due to the use of these premises.
- 6.2 The application site is enclosed within a courtyard and not overlooked by residential properties. The basement area is enclosed by the building envelope and has historically housed a nightclub.
- 6.3 There are no noise sensitive properties above, below, adjacent, opposite in the proximity of the premises or otherwise likely to be affected.
- 6.4 The site is in Covent Garden in an area well-served by public transport. There is existing activity from other licensed premises in the area.
- 6.5 Lower level noises from the normal commercial activity of the premises such as patrons and staff entering and leaving the premises will be below the existing ambient noise level in the street.

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<sup>5</sup> See prediction methodologies in: Pierce, Allan. (1974). Diffraction of sound around corners and over wide barriers. *Journal of The Acoustical Society of America - JACOUST SOC AMER.* 55. 10.1121/1.1914668, and also Maekawa, Z. (1989). Simple design method for various shaped noise barriers. In *Proceedings of the International Conference NOISE & VIBRATION '89.*

- 6.6 Internal activities in the basement event space will be limited to core hours. The pre-23:00hrs capacity is proposed to be 350 persons to allow for private hire events, then beyond that time it is proposed that there will be no more than 150 people in the basement area. Amplified music and all other noise is contained by the building envelope.
- 6.7 The external courtyard area provides seating for 100 people and an additional allowance for a further 50 standing. The nature of outdoor spaces in the UK is that the climate renders them unappealing later in the evening and for the winter months so full capacity is only expected in warmer weather.
- 6.8 There will be no queuing on the street as there is sufficient space to bring people directly into the courtyard area. Technical solutions such as virtual queuing apps for pre-booked events will be used.
- 6.9 Signage at the exits will request that all patrons respect the neighbours and be quiet as they leave.
- 6.10 Patrons requiring public transport can walk the short distance to Covent Garden, or a little further to Leicester Square. There are many bus and tube options at this location. Transport information will be provided online and at the premises.
- 6.11 The pin location for Uber and other popular taxi apps will be managed to suggest appropriate pick-up and drop off locations.
- 6.12 Employee training includes emphasis of the importance to minimise noise from patrons as they arrive at and depart from the venue.
- 6.13 Tom Johnson and the Diageo team are committed to work in partnership with the relevant authorities and to maintain good relations with the local community, and accordingly will be receptive to any reasonable suggestions proposed.

## **7.0 Conclusions**

- 7.1 Big Sky Acoustics Ltd was instructed by Tom Johnson of Diageo Great Britain Limited to carry out an assessment of the impact of noise from proposed licensable activities at Old Brewer's Yard, London, WC2.
- 7.2 This assessment makes reference to the Licensing Act 2003, the City Of Westminster Statement of Licensing Policy, the Environmental Protection Act 1990, and the operational objectives of the applicant.
- 7.3 Calculations indicate that noise from patrons using the outside area will be below the existing background noise level for the area and therefore promotes the licensing objective of the prevention of public nuisance.
- 7.4 A comprehensive suite of premises licence conditions have been proposed and these include measures to control, or eliminate, noise from all licensable activities at the premises.

- 7.5 The surrender of the existing premises licence for the 5 Langley Street basement site means that a former nightclub operation will be replaced with a premises that has an earlier finishing time (within core hours) and a significantly smaller capacity after 23:00hrs. This means the majority of patrons will be departing earlier in the evening, and a much smaller capacity until the end of core hours. Dispersal procedures will be put in place to ensure a managed and gradual dispersal.
- 7.6 On balance the risk of noise impact from this application will not just be lower, but significantly lower, than a 500 capacity music-led nightclub or bar closing at 01:30hrs.
- 7.7 Given the location, the style of operation, proposed controls and willingness to take on board further controls if necessary, it is my professional opinion that the controlled operation of the premises as proposed would not result in an increase in noise levels in the area around the application site.



Richard Vivian BEng(Hons) MIET MIOA MIOL  
Principal Acoustic Consultant, Big Sky Acoustics Ltd

## Appendix A - Terminology

### Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

### Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

### A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

### C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

### Noise Indices

When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

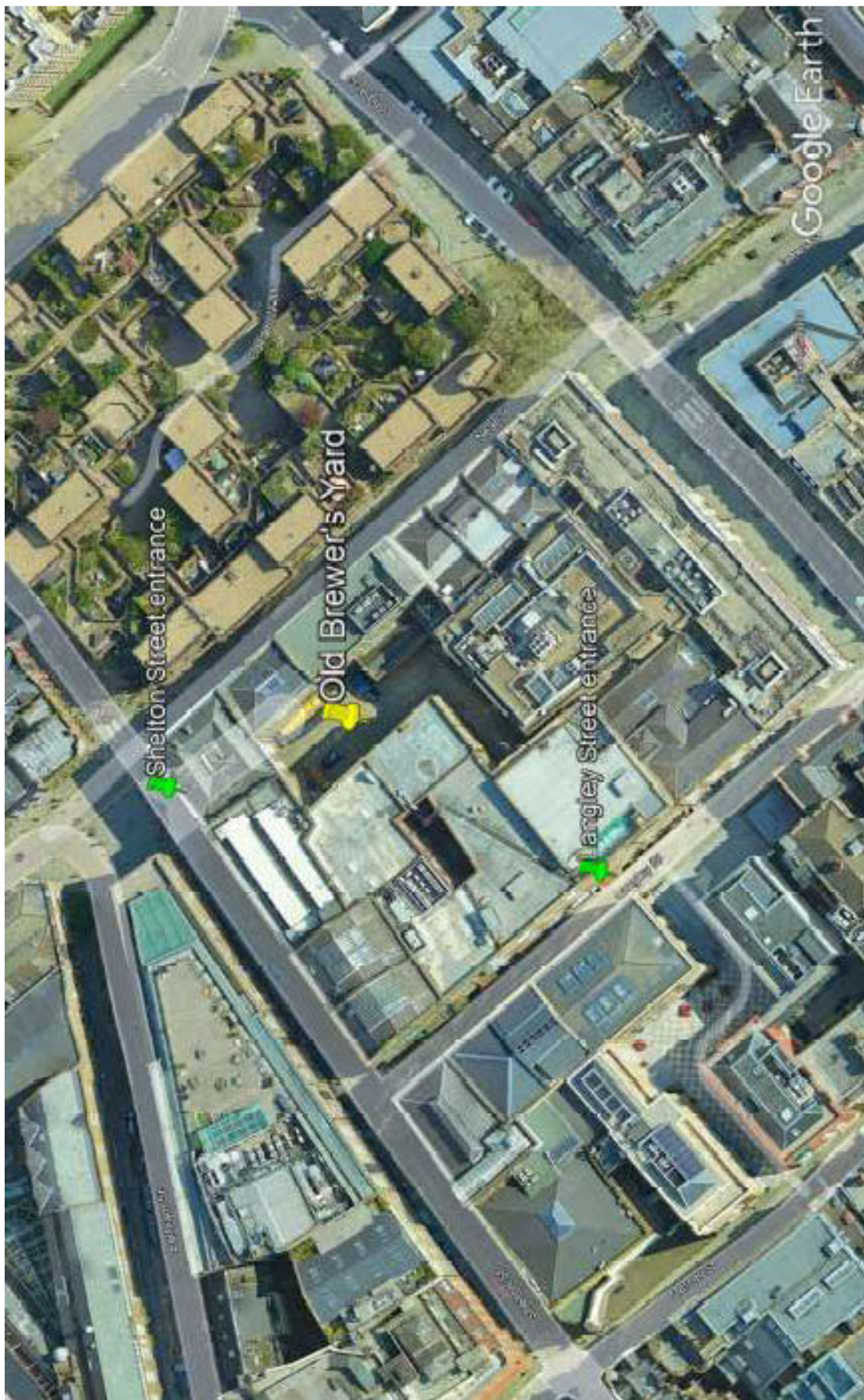
- L<sub>eq</sub>** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L<sub>eq</sub> is dominated by the higher noise levels measured.
- L<sub>Aeq</sub>** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L<sub>Ceq</sub>** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L<sub>Amax</sub>** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L<sub>A90</sub>** is the A-weighted sound pressure level exceeded for 90% of the time period. The L<sub>A90</sub> is used as a measure of background noise.

### Example noise levels:

Source/Activity	Indicative noise level dBA
Threshold of pain	140
Police siren at 1m	130
Chainsaw at 1m	110
Live music	96-108
Symphony orchestra, 3m	102
Nightclub	94-104
Lawnmower	90
Heavy traffic	82
Vacuum cleaner	75
Ordinary conversation	60
Car at 40 mph at 100m	55
Rural ambient	35
Quiet bedroom	30
Watch ticking	20



## Appendix B - Application site location







CITY OF WESTMINSTER

# MINUTES

## Planning (Major Applications) Sub-Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 9th August, 2022**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Ruth Bush (Chair), Nafsika Butler-Thalassis, Paul Fisher, Robert Rigby, Mark Shearer and Jason Williams

**Also Present:** Councillor Louise Hyams (Item 1)

#### 1 MEMBERSHIP

- 1.1 There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

- 2.1 Councillor Ruth Bush explained that a week before the meeting, all six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Williams declared that in respect of Item 1 he knew one of the objectors and was also a former Trustee of the Covent Garden Area Trust, but he had not entered into any discussions regarding the application with any parties.
- 2.3 Councillor Fisher declared that in respect of Item 2 the site was located within his ward and he knew some of the objectors but he had held no discussions regarding the application with any parties. In respect of Item 1 he was a

former Trustee of the Covent Garden Area Trust, but he had not entered into any discussions regarding the application with any parties.

2.4 Councillor Shearer declared that in respect of Items 1 and 3 the sites were located within his ward. With regard to Item 1 he was a Trustee of the Covent Garden Area Trust, had attended a presentation on the proposals and attended a site visit but he had offered no opinion on the applications and held no discussions regarding it with any parties.

2.5 Councillors Bush and Rigby both declared in respect of Item 1 that they had both attended a sit visit the application site.

### 3 MINUTES

#### 3.1 RESOLVED:

That the minutes of the meeting held on 14 June 2022 be signed by the Chair as a correct record of proceedings.

## 4 PLANNING APPLICATIONS

### 1 OLD BREWER'S YARD, 28-32 SHELTON STREET, 15A NEAL STREET, 5 & 7 LANGLEY STREET, 1 & 3 MERCERS WALK AND 107-115 LONG ACRE

Application 1: Mixed-use development at Old Brewer's Yard including: at 28-32 Shelton Street, the erection of two-storey roof extension and other external alterations (including shopfront alterations, new rear access to the Yard, and plant) in connection with the use of the building as a restaurant (Class E(b)); at 1 Mercer Walk, the installation of ancillary plant & servicing equipment, external alterations including opening up of blind windows on east elevation, installation of PV panels at main roof level and the placement of external tables and chairs on Mercer Walk, all in connection with the use of the building as a microbrewery and visitor attraction with ancillary retail, bar and training space (Sui Generis); at 15A Neal Street (ground floor only), external alterations including installation of full-height glazed rear wall and installation of a new shopfront; at 5 Langley Street (basement, partground floor and part-roof only) alterations to north and west facade and installation of new plant, all in connection with the flexible mixed-use of the basement and part-ground floor as entertainment/events/community space with ancillary storage areas (Sui Generis); at the rear of 7 Langley Street, installation of plant at roof level and the use of the former bin store as a bar area servicing the Yard (Sui Generis); at Old Brewer's Yard, the erection of a new high-level glazed canopy structure and semi-permanent external seating, installation of new entrance gates fronting Shelton Street, placement of planters and associated street furniture, for use of the Yard as a flexible entertainment/dining/events/community outdoor space (Sui Generis).



**Application 2:** Works to rear-part of 7 Langley Street comprising the part-demolition of external walls and construction of new walls, openings, and associated fixtures including canopy fixtures pertaining to the Yard, the complete demolition of internal structures and installation of new internal structures including replacement staircase and new mezzanine level for use as a bar and ancillary storage, and installation of plant at roof level; together with works at 28-32 Shelton Street comprising the installation of entrance gates fronting the undercroft shared with listed building 34 Shelton Street. [Addresses include 7-8 Langley Street and 34 Shelton Street].

Additional representations were received from Jones Lang LaSalle Ltd (04.08.22), The Seven Dials Trust (02.08.22) and the Covent Garden Community Association (03.08.22).

Late representations were received from The Seven Dials Trust (05.08.22), Bloomsbury Conservation Areas (04.08.22) and the Covent Garden Community Association (05.08.22).

The presenting officer tabled the following amendments to the conditions:

**Condition 10** - No amplified sound shall be played in the entrance and exit or any of the premises hereby approved or within the sixth floor terrace at 28-32 Shelton Street.

**Condition 11** - You must not play any amplified sound which is audible outside the site premises (which for the avoidance of doubt includes Old Brewer's Yard).

**Reason:** To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021).

**Condition 24 (Reason):** To ensure the full benefits of the scheme are realised by ensuring that after 10.00 hours the public are able to access freely the Langley Passage and Old Brewer's Yard. This is as set out in Policies 25 and 39 of the City Plan 2019 - 2040 (April 2021).

**Additional condition 35:** You must not use any part of the approved roof extension at 29-32 Shelton Street until the following elements of the proposed development, which are considered to be public benefits of the scheme, have been provided:

- A public route through Old Brewer's Yard in accordance with the terms set out in the Walkways Agreement.
- The use of the basement of 5 Langley Street as a community space in accordance with details secured as part of a s106 agreement.
- Provision of the micro-brewery.

Thereafter these parts of the development shall be maintained in accordance with the approved development.



Tom Johnson addressed the Sub-Committee in support of the application.

Blythe Dunk addressed the Sub-Committee in support of the application.

Alison Oswald addressed the Sub-Committee in objection to the application.

Eric Stuart addressed the Sub-Committee in objection to the application.

Amanda Rigby, representing the Covent Garden Community Association, addressed the Sub-Committee in objection to the application.

Paul Velluet, representing the Covent Garden Area Trust, addressed the Sub-Committee in objection to the application.

Kathy Pimlott, representing The Seven Dials Trust, addressed the Sub-Committee in objection to the application.

Councillor Louise Hyams, in her capacity as Ward Councillor, addressed the Sub-Committee and requested the application be deferred for further consideration.

**Application 1:**

**RESOLVED (Grant: Councillors Butler Thalassis, Rigby and Shearer; Defer: Councillor Bush and Williams; Refuse: Councillor Fisher):**

1) That conditional permission, as amended, be granted subject to:

a) A S106 legal agreement to secure the following:

i. The residential use at second and third floor level at 23 Neal Street and third floor level at 17-19 Neal Street to have been relocated as part of a land use swap with the City Council. The applicant not to commence development until planning applications had been submitted for the land use swap and not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.

ii. Details of a community strategy.

iii. Walkways Agreement to secure access to Langley Passage and Old Brewer's Yard.

iv. Monitoring costs.

b) The operational management plan being developed in consultation with the Covent Garden Community Association, the Covent



Garden Area Trust and The Seven Dials Trust before returning to the Sub-Committee for approval.

- c) The opening hours of the external terrace located on Shelton Street be reduced to between 10:00 to 21:00 hours.
  - d) The opening hours for Old Brewers Yard be reduced to between 10:00 to 23:00 hours Monday to Saturday and 10:00 to 22:30 hours on Sundays.
  - e) The opening hours for 1 Mercer Walk be reduced to between 10:00 and 22:30 hours Monday to Sunday.
  - f) Egress from Old Brewers Yard via Shelton Street be restricted after 22:30 hours.
  - g) The capacity for the Old Brewers Yard be reduced to a maximum of 100 customers seated and 50 standing.
- 2) That if the S106 legal agreement had not been completed within six weeks of the Committee resolution then:
- a) The Director of Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this was possible and appropriate, the Executive Director for Growth, Planning and Housing was authorised to determine and issue such a decision under Delegated Powers, however, if not
  - b) The Director of Town Planning should consider whether permission be refused on the grounds that it had not proved possible to complete an agreement within an appropriate timescale, and the proposal was unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing was authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

**Application 2:**

**RESOLVED UNANIMOUSLY:**

- 1) That listed building consent be granted.
- 2) That the reasons for granting listed building consent as set out in Informative 1 be agreed.





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

**Schedule 12**  
**Part A**

**WARD: St James's**  
**UPRN: 010033537273**

**Premises licence**

Regulation 33, 34

**Premises licence number:**

21/09021/LIPT

**Original Reference:**

05/02190/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

Bar Langley  
Basement  
5 Langley Street  
London  
WC2H 9JA

**Telephone Number:** 020 7836 5775

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Performance of Dance**

Monday to Sunday: 09:00 to 01:00

**Provision of facilities for Dancing**

Monday to Sunday: 09:00 to 01:00

**Provision of facilities for making Music**

Monday to Sunday: 09:00 to 01:00

**Performance of Live Music**

Monday to Sunday: 09:00 to 01:00

**Playing of Recorded Music**

Unrestricted

**Provision of facilities for entertainment of a similar description to making music or dancing**

Monday to Sunday: 09:00 to 01:00

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

Monday to Sunday: 09:00 to 01:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 01:30

Sunday: 23:00 to 01:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit**

Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 01:00

Sunday: 12:00 to 00:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 01:30

Sunday: 09:00 to 01:00

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

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

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

The Mercers Company  
Mercers hall  
Ironmonger Lane  
London.  
EC2V 8HE

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

N/A

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

**Name:** Charles Robert Spaul

**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:** PERS3264

**Licensing Authority:** London Borough Of Lambeth

**Date:** 11 October 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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or damage (door supervisors) must be licensed by the Security Industry Authority.

**Conditions reproducing the effect of conditions subject to which the existing licences have effect :**

**Conditions for Regulated Entertainment:**

For the Basement Only:

- 10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 12. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Sunday to Saturday to 1am on the ay following.



13. The entertainment provided under this licence shall remain ancillary to the main A3 use of the premises.
14. Whilst the premises are in use under this licence the entertainment shall be limited to background music, disc jockey and dancing.
15. That the door and windows are not to be fixed open after 11pm.
16. Legible notices to be displayed at all exits from the premises requesting patrons to respect the need of local residents and to leave the premises and area quietly. Similar reminders shall be given by door supervisors to patrons exiting the premises.
17. The Licensee shall use his best endeavours to ensure that customers do not congregate or cause nuisance on the public highway in the vicinity of the premises.
18. A hotline telephone number to the licensee shall be available to local residents.
19. The licensee shall use his best endeavours to discourage unlicensed minicabs and rickshaws from waiting outside or servicing the premises.
20. Any queues which form outside the premises should be orderly and supervised by the door staff to ensure there is no noise nuisance and that there is no obstruction to other pedestrians requiring them to walk in the road.
21. The number of persons accommodated (excluding staff) at any one time shall not exceed 500.

#### **Conditions for Sale of Alcohol**

22. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
23. (a) In area shaded red on the deposited plan there shall be seating for not less than 260 customers (b) In the area hatched black on the deposited plan only customers that are seated at a table shall be able to purchase liquor and only then via waiter/ waitress service
24. On any evening where the premises or part of the premises are open for the purpose of music and dancing, intoxicating liquor may not be sold or supplied after 11pm, to persons entering that part of the premises except: a) Persons who have paid or had paid on their behalf an admission fee of £3.00 Mon. to Thurs. £5.00 Friday to Saturday such charge not to be credited against consumables. b) Artistes or persons employed on the premises. c) Persons attending a private function on the premises. d) Guests of the management, a list of whom shall be available for inspection by the appropriate authority. e) Persons attending by prior booking (with individual details kept at reception) in the restaurant area and their bona fide guests. f) Members of the Langley and their bona fide guests, such details to have been nominated and admitted as a member of the club at least 48 hours before admission to the premises.
25. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
26. No striptease, no nudity and all persons on the premises to be decently attired.
27. There shall be no gaming on the premises, other than machines authorised under Section 34.

28. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.
29. No music or other noise produced on these premises should cause a statutory nuisance in any adjoining premises whether they be in residential or commercial use, or on any public highway.
30. Additional hours to include Sundays until 00.30, except where Sunday is immediately prior to Bank Holiday, excluding Easter, when hours extended until 01.00.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments :**

**Conditions for Sale of Alcohol**

31. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 01.00 on the morning following, except that -
  - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00.00 midnight and 01.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
  - (i) with the substitution of references to 02.00 for references to 01.00.
- (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning following, except that-
  - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
  - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 01.00 on the morning following, except that-
  - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
  - (ii) where music and dancing end between 00.00 midnight on any Sunday and 01.00, the permitted hours on that Sunday shall end when the music and dancing end.
- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

32. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
33. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

34. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day

## **Annex 2 – Conditions consistent with the operating Schedule**

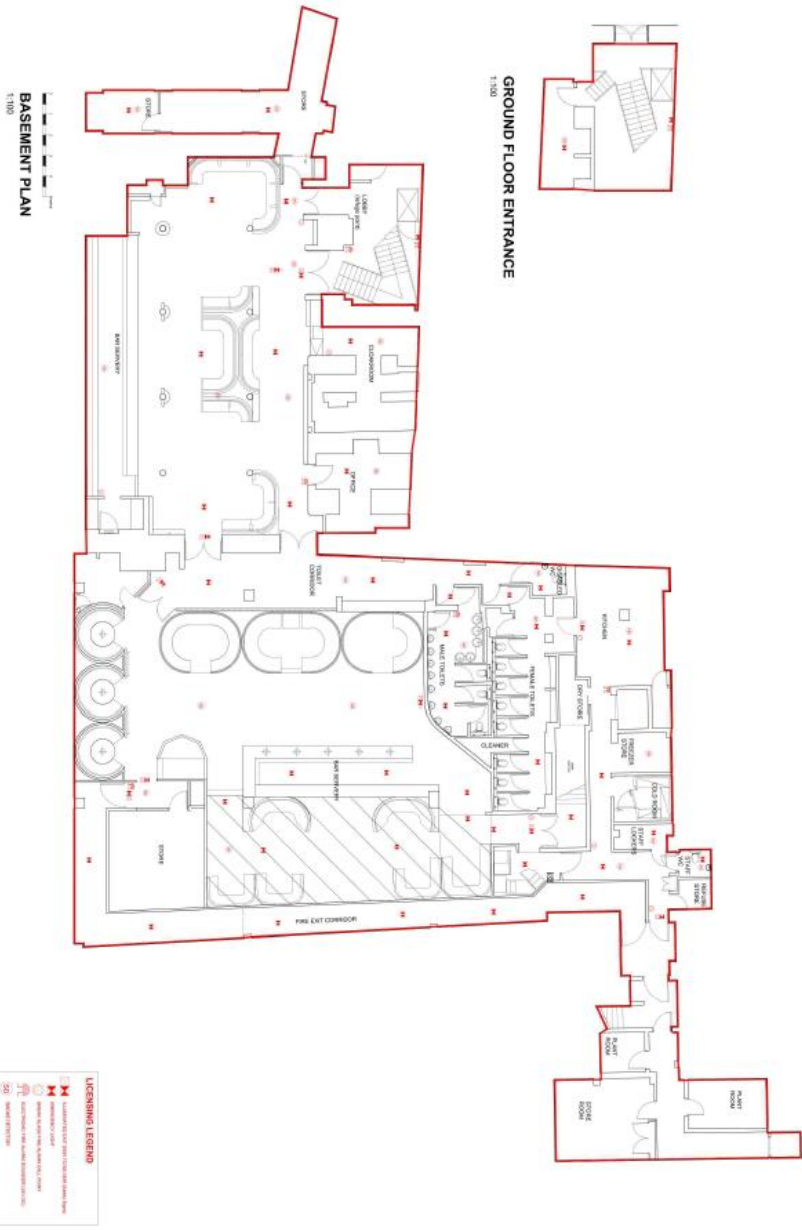
None

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

35. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon payment, showing details of all drinks and food purchased



# Annex 4 – Plans



**LICENSING NOTES**

1. ITEMS SHOWN ON THIS PLAN WHICH ARE NOT PART OF THE ORIGINAL DESIGN ARE SHOWN FOR INFORMATION PURPOSES.
2. THE CURRENT LOCATION OF THE SAFETY EQUIPMENT AND SUBJECT TO MAINTENANCE INSPECTION AND WHERE APPLICABLE UNDER THE FIRE RISK ASSESSMENT.

**LICENSING LEGEND**

- SAFETY EQUIPMENT
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**FALSE NOTE**  
THIS SITE AND DESIGN ARE NOT SUBMITTED FOR LICENSING PURPOSES. THE CURRENT LOCATION OF THE SAFETY EQUIPMENT AND SUBJECT TO MAINTENANCE INSPECTION AND WHERE APPLICABLE UNDER THE FIRE RISK ASSESSMENT.

**PLEASE NOTE**  
THIS SITE AND DESIGN ARE NOT SUBMITTED FOR LICENSING PURPOSES. THE CURRENT LOCATION OF THE SAFETY EQUIPMENT AND SUBJECT TO MAINTENANCE INSPECTION AND WHERE APPLICABLE UNDER THE FIRE RISK ASSESSMENT.

**BY DESIGN**  
STONEGATE

THE FOUNDATION  
5 LANGLEY ST.  
WCHH 9JA

LICENSING PLAN

Scale: 1:100  
Date: OCT 18  
Reference: 3797-08  
Drawing: D

**CI**



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

Schedule 12  
Part B

WARD: St James's  
UPRN: 010033537273

Regulation 33, 34

Premises licence  
summary

Premises licence  
number:

21/09021/LIPT

Part 1 – Premises details

Postal address of premises:

Bar Langley  
Basement  
5 Langley Street  
London  
WC2H 9JA

Telephone Number: 020 7836 5775

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Sunday: 09:00 to 01:00

**Provision of facilities for Dancing**

Monday to Sunday: 09:00 to 01:00

**Provision of facilities for making Music**

Monday to Sunday: 09:00 to 01:00

**Performance of Live Music**

Monday to Sunday: 09:00 to 01:00

**Playing of Recorded Music**

Unrestricted

**Provision of facilities for entertainment of a similar description to making music or dancing**

Monday to Sunday: 09:00 to 01:00

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

Monday to Sunday: 09:00 to 01:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 01:30

Sunday: 23:00 to 01:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit**

Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 01:00

Sunday: 12:00 to 00:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Sunday: 09:00 to 01:30

Sunday: 09:00 to 01:00

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

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

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

The Mercers Company  
Mercers hall  
Ironmonger Lane  
London.  
EC2V 8HE

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

N/A

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

Name: Charles Robert Spaul

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

Restricted

**Date:** 11 October 2021

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

**Existing premises licence 22/02734/LIPN**



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

Schedule 12  
Part A

WARD: St James's  
UPRN: 010033537273

Premises licence

Regulation 33, 34

**Premises licence number:**

22/02734/LIPN

**Original Reference:**

22/02734/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

The Old Brewer's Yard  
Basement  
5 Langley Street  
London  
WC2H 9JA

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Performance of a Play  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the

plan)

**Exhibition of a Film**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the

plan)

**Performance of Live Music**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the

plan)

**Playing of Recorded Music**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the

plan)

**Performance of a Play**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the

plan)

**Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 23:00 to 00:00 (Basement Area hatched green on the plan)

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 21:00 (On Sales - Brewers Courtyard Area)  
Sunday: 12:00 to 21:00 (On Sales - Brewers Courtyard Area)

Monday to Thursday: 10:00 to 23:30 (On Sales - Basement Area hatched green on plan)

Friday to Saturday: 10:00 to 00:00 (On Sales - Basement Area hatched green on plan)  
Sunday: 12:00 to 22:30 (On Sales - Basement Area hatched green on plan)

Monday to Saturday: 10:00 to 21:00 (Off Sales - Basement Area hatched green on plan and Brewers Courtyard Area)

Sunday: 12:00 to 21:00 (Off Sales - Basement Area hatched green on plan and Brewers Courtyard Area)

**The opening hours of the premises:**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on plan)

Monday to Thursday: 10:00 to 23:30 (Brewers Courtyard Area)  
Friday to Saturday: 10:00 to 00:00 (Brewers Courtyard Area)  
Sunday: 12:00 to 22:30 (Brewers Courtyard Area)

**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:**

Diageo Great Britain Ltd  
16 Great Marlborough Street  
London  
W1F 7HS

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

00507652

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

**Name:** Mrs Jane Beels

*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/200713010  
**Licensing Authority:** London Borough Of Barnet

**Date:** 21 July 2022

**This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

10. The supply of alcohol in the basement area which is shown as hatched green on the deposited plan shall only be to persons attending a bona fide private pre-booked function or 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.
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. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
13. There shall be no sales of alcohol for consumption 'Off' the premises **or in the Brewer's Courtyard after 21.00 hours.**
14. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
15. A Challenge 21 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.
16. 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 are 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.
17. 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.
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 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.
19. 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.



20. 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.
21. Loudspeakers shall not be located in the entrance and exit of the premises or any outside space.
22. 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.
23. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
24. 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.
25. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
26. All refuse shall be stored internally prior to collection.
27. 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.
28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. 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 Police and the Licensing Authority upon request.
33. No licensable activities shall take place at the premises until premises licence 21/09021/LIPT (or such other number subsequently issued for 5 Langley Street 'the premises') has been surrendered and is incapable of resurrection.
34. No licensable activities shall take place until the premises have 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.
35. 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.

36. 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.
37. There shall be no sales or consumption of alcohol in Brewer's Yard beyond 21:00 hours.
38. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.







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

Schedule 12  
Part B

Premises licence  
summary

WARD: St James's  
UPRN: 010033537273

Regulation 33, 34

Premises licence  
number:

22/02734/LIPN

Part 1 – Premises details

Postal address of premises:

The Old Brewer's Yard  
Basement  
5 Langley Street  
London  
WC2H 9JA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Performance of a Play  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the

plan)

Exhibition of a Film

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the

plan)

**Performance of Live Music**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the plan)

**Playing of Recorded Music**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the plan)

**Performance of a Play**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on the plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on the plan)

**Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30 (Basement Area hatched green on the plan)  
Friday to Saturday: 23:00 to 00:00 (Basement Area hatched green on the plan)

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 21:00 (On Sales - Brewers Courtyard Area)  
Sunday: 12:00 to 21:00 (On Sales - Brewers Courtyard Area)

Monday to Thursday: 10:00 to 23:30 (On Sales - Basement Area hatched green on plan)

Friday to Saturday: 10:00 to 00:00 (On Sales - Basement Area hatched green on plan)  
Sunday: 12:00 to 22:30 (On Sales - Basement Area hatched green on plan)

Monday to Saturday: 10:00 to 21:00 (Off Sales - Basement Area hatched green on plan and Brewers Courtyard Area)

Sunday: 12:00 to 21:00 (Off Sales - Basement Area hatched green on plan and Brewers Courtyard Area)

**The opening hours of the premises:**

Monday to Thursday: 10:00 to 23:30 (Basement Area hatched green on plan)  
Friday to Saturday: 10:00 to 00:00 (Basement Area hatched green on plan)  
Sunday: 12:00 to 22:30 (Basement Area hatched green on plan)

Monday to Thursday: 10:00 to 23:30 (Brewers Courtyard Area)  
Friday to Saturday: 10:00 to 00:00 (Brewers Courtyard Area)  
Sunday: 12:00 to 22:30 (Brewers Courtyard Area)

**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:**

Diageo Great Britain Ltd  
16 Great Marlborough Street  
London  
W1F 7HS

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

00507652

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

Name: Mrs Jane Beels

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

Restricted

**Date:** 21 July 2022

**This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.**

## Premises History

### 21/09021/LIPT

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/02190/LIPCV	Conversion	12.05.2005	Granted by Licensing Sub Committee
06/03442/LIPDPS	DPS Variation	06.05.2006	Granted under delegated authority
07/02389/LIPDPS	DPS Variation	02.03.2007	Granted under delegated authority
07/04356/LIPDPS	DPS Variation	14.06.2007	Granted under delegated authority
07/05342/LIPDPS	DPS Variation	20.07.2007	Granted under delegated authority
07/08403/LIPDPS	DPS Variation	04.09.2007	Granted under delegated authority
07/12139/LIPDPS	DPS Variation	19.12.2007	Granted under delegated authority
09/03980/LIPDPS	DPS Variation	11.06.2009	Granted under delegated authority
10/02093/LIPCH	Change PLH registered office	26.03.2010	Granted under delegated authority
10/03728/LIPV	Variation – change of layout	29.07.2010	Granted by Licensing Sub Committee
11/00775/LIPDPS	DPS Variation	23.02.2011	Granted under delegated authority
12/01202/LIPDPS	DPS Variation	13.03.2012	Granted under delegated authority
12/05865/LIPDPS	DPS Variation	26.07.2012	Granted under delegated authority
12/06337/LIPDPS	DPS Variation	05.08.2012	Granted under delegated authority
17/00733/LIPV	Variation – extension of hours	16.03.2017	Application withdrawn
17/11657/LIPDPS	DPS Variation	29.10.2017	Granted under delegated authority
17/12259/LIPDPS	DPS Variation	08.11.2017	Granted under delegated authority
17/12541/LIPDPS	DPS Variation	15.11.2017	Granted under delegated authority

18/05989/LIPDPS	DPS Variation	28.09.2018	Granted under delegated authority
18/12728/LIPT	Transfer – A3D2 Limited to Stonegate Pub Company Limited	28.09.2018	Granted under delegated authority
18/15781/LIPVM	Minor variation – change of layout	03.01.2019	Granted under delegated authority
19/00062/LIPDPS	DPS Variation	21.01.2019	Granted under delegated authority
19/03893/LIPDPS	DPS Variation	18.04.2019	Granted under delegated authority
19/03915/LIPVM	Minor variation – change of layout	24.04.2019	Granted under delegated authority
19/13213/LIPDPS	DPS Variation	23.10.2019	Granted under delegated authority
19/13994/LIPCHT	Change of trading name	05.11.2019	Granted under delegated authority
19/15570/LIPDPS	DPS Variation	11.12.2019	Granted under delegated authority
19/16821/LIPDPS	DPS Variation	30.12.2019	Granted under delegated authority
20/02371/LIPDPS	DPS Variation	26.03.2020	Granted under delegated authority
20/02656/LIPDPS	DPS Variation	26.03.2020	Granted under delegated authority
20/11072/LIPCH	Change PLH registered office	27.11.2020	Granted under delegated authority
21/09021/LIPT	Transfer – Stonegate Pub Company Limited to The Mercers Company	05.10.2021	Granted under delegated authority (Licence to be surrendered if current application is granted)

**22/02734/LIPN**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
22/02734/LIPN	New premises licence	30.06.2022	Granted by Licensing Sub Committee

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

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

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

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

**Mandatory Conditions**

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or

off the premises for a price which is less than the permitted price.

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

## Conditions consistent with the operating schedule

10. The supply of alcohol in the basement area which is shown as hatched green on the deposited plan shall only be to persons attending a bona fide private pre-booked function or 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.
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. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
13. A Challenge 21 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.
14. 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 are 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.
15. 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.
16. 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.
17. 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.
18. 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.





unless the changes will not have any impact on the Licensing Objectives.

31. No licensable activities shall take place at the premises until premises licences 21/09021/LIPT and 22/02734/LIPN (or such other numbers subsequently issued for 5 Langley Street 'the premises') have been surrendered and are incapable of resurrection.
32. No licensable activities shall take place until the premises have 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.
33. 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, but in any event there shall be no more than 150 persons permitted in the Old Brewers Yard area hatched red and in that area seating shall be provided for a minimum of 100 persons.
34. 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.
35. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
36. The terminal hour for the supply of alcohol in Old Brewer's Yard shall be 22.30
37. Old Brewer's Yard shall be cleared of patrons by 23.00
38. The access gate to Old Brewer's Yard from Shelton Street shall be closed at 22.30 and there shall be no new entry to Old Brewer's Yard after that time save for emergency or for patrons leaving any of the premises abutting Old Brewer's Yard in order to use the Langley street exit.
39. After 22.30 all patrons shall exit Old Brewer's Yard via the Langley Street exit save for emergency exit via Shelton Street.
40. The maximum capacity of Old Brewer's Yard shall be 150 excluding staff with seating provided for at least 100 patrons and no more than 50 standing at any time.
41. The maximum capacity for any event held in the basement area of 5 Langley Street shall be 350 until 23.00. After that time the maximum capacity for any event shall not exceed 150.

**Conditions proposed by the Environmental Health Service**

None

**Conditions proposed by the Metropolitan Police Service**

None

**Conditions proposed by the Licensing Authority**

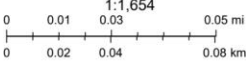
None

Old Brewers Yard, Basement, 5 Langley Street, London, WC2H 9JA



25/10/2022, 11:36:43

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



**Resident Count: 158**

**Licensed premises within 75 metres of Old Brewers Yard, Basement, 5 Langley Street, London, WC2H 9JA**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
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
22/02734/LIPN	The Old Brewer's Yard	Basement 5 Langley Street London WC2H 9JA	Public house or pub restaurant	Monday; 10:00 - 23:30   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
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
22/05337/LIPDPS	The Conduit	6 Langley Street London WC2H 9JA	Office	Sunday; 09:00 - 23:00   Monday to Saturday; 07:00 - 01:30
22/02732/LIPN	Brewery	1 Mercer Walk London WC2H 9FA	Brewery	Sunday; 09:00 - 22:30   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00
22/02731/LIPN	Not Recorded	15 Neal Street London WC2H 9PU	Shop	Monday to Sunday; 09:00 - 21:00
21/10616/LIPV	Temper	5 Mercer Walk London WC2H 9FA	Restaurant	Monday; 08:00 - 23:30   Tuesday; 08:00 - 23:30   Wednesday; 08:00 - 23:30   Thursday; 08:00 - 23:30   Friday; 08:00 - 00:00   Saturday; 09:00

				- 00:00   Sunday; 09:00 - 22:30
22/02733/LIPN	Diageo	28 - 32 Shelton Street London WC2H 9JE	Restaurant	Sunday; 09:00 - 22:30   Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00
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
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
22/04903/LIPCH	Itsu	2-4 Neal Street London WC2H 9LY	Restaurant	Monday to Sunday; 07:00 - 21:30