



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

1 June 2023

Licensing Ref No:

23/01986/LIPV - Premises Licence Variation

Title of Report:

Duke Of Argyll Public House  
37 Brewer Street  
London  
W1F 0RY

Report of:

Director of Public Protection and Licensing

Wards involved:

West End

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Jessica Donovan  
Senior Licensing Officer

Contact details

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## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	29 March 2023		
<b>Applicant:</b>	Samuel Smith (Southern)		
<b>Premises:</b>	Duke Of Argyll Public House		
<b>Premises address:</b>	37 Brewer Street London W1F 0RY	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises currently operate as a public house.		
<b>Variation description:</b>	This variation seeks the following: <ul style="list-style-type: none"> <li>To vary the terminal hour for Late Night Refreshment, the Retail Sale of Alcohol and the opening hours to 00:00 on Friday and Saturdays.</li> </ul>		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2015. The current premises licence (20/08988/LIPDPS) can be viewed at <b>Appendix 2</b> of this report along with the history at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	There are no supporting documents from the applicant.		
<b>Applicant amendments:</b>	None		

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

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

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	23:30	Basement, Ground floor, First floor, Second floor, Third floor and Fourth floor	No change
Tuesday	10:00	23:30	10:00	23:30		
Wednesday	10:00	23:30	10:00	23:30		
Thursday	10:00	23:30	10:00	23:30		
Friday	10:00	23:30	10:00	00:00		
Saturday	10:00	23:30	10:00	00:00		
Sunday	12:00	23:00	12:00	23:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			No change	

1-C Layout alteration
There are no proposed changes to the layout.

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Licensing Authority
<b>Representative:</b>	Karyn Abbott
<b>Received:</b>	25 April 2023
<p>I write in relation to the application submitted for a variation of the premises licence for 37 Brewer Street, London, W1F 0RY.</p> <p>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:</p> <ul style="list-style-type: none"><li>• Public Nuisance</li><li>• Prevention of Crime &amp; Disorder</li><li>• Public Safety</li><li>• Protection of children from harm</li></ul> <p>The application seeks to vary the following:</p> <p>The Duke of Argyll Public House is a traditional Samuel Smith pub. This application is to increase the permitted hours to Core Hours. Whilst the pub is located within the West End Cumulative Impact Zone the policy to refuse a variation of hours does not apply when they are within the Core Hours.</p> <p>The applicant is not aware that the pub is associated with any crime and disorder or public nuisance and hence considers that the existing conditions will uphold the licensing objectives, but would be happy to consider any further conditions suggested by the statutory authorities or interested parties.</p> <p>This application is to allow all licensable activities (including opening hours) on Friday and Saturday until 00:00 hours. No other changes are sought.</p> <p>The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and PB1.</p> <p>Policy PB1(B) states</p> <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"><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>	

The Licensing Authority note that the proposed variation falls within Westminster's core hours for Pubs and Bars.

The Core hours for Pubs and Bars are:  
Monday to Thursday: 10am to 11.30pm.  
Friday and Saturday: 10am to Midnight.  
Sunday: Midday to 10.30pm.  
Sundays immediately prior to a bank holiday: Midday to Midnight.

The Licensing Authority encourages the applicant to provide further submissions as to how the increase in terminal hours for Friday and Saturday evenings will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

The Licensing Authority would like submissions from applicant in regard to the above questions so the application can be assessed further against any further relevant policy considerations.

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

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	26 April 2023

**I refer to the application to vary the Premises Licence, 20/08988/LIPDPS, for the above premises which is located in the West End Cumulative Impact Zone.**

The following variations are being sought:

1. Increase the hours for the Supply of Alcohol 'On' and 'Off' the premises from 23:00 to 00:00 hours on Friday and Saturday.
2. Increase the hours for Provision of Late-Night Refreshment 'Indoors' from 23:30 to 00:00 hours on Friday and Saturday.

**I wish to make the following representations based on the operating schedule submitted:**

1. The proposed increase in hours for the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the area.
2. The proposed increase in hours for Provision of Late-Night Refreshment may lead to an increase in Public Nuisance in the area

**Environmental Health also makes the following further comments:**

- No additional conditions have been offered as part of this variation
- The last update of Westminster's Statement of Licensing Policy (see on the Council's website) requires licensed premises to demonstrate compliance with policy CH1, Protection of Children from Harm. Minimum criteria and free advice on complying can be found on page 37 of the Policy.
- A premises history check of Environmental Health records shows the current operation of the premises has not resulted in relevant adverse impacts being reported to it.



The applicant is therefore requested to contact the undersigned to discuss possible additional conditions that may be appropriate.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Tom Stewart
<b>Received:</b>	26 April 2023

I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Police") to make representations in respect of a variation application for **The Duke of Argyll, 37 Brewer Street - 23/01986/LIPV** as it is likely to undermine the licensing objective: The prevention of crime and disorder and adversely effect cumulative impact within the West End.

The application seeks the following:

**Allow all licensable activities (including opening hours) on Friday and Saturday until 00:00 hours.**

The premises is located at 37 Brewer Street, which is within the West End Cumulative Impact Zone ("CIZ") and is subject to Westminster's Cumulative Impact Policy ("CIP1"). Whilst there is not a presumption to refuse an application to extend hours to within 'Core Hours', for such premises types, the applicant must be able to demonstrate that the increase in hours will not undermine any of the licensing objectives, nor add to existing cumulative impact.

Due to the location of the premises within the CIZ, the Police have concerns that the extra hour of alcohol consumption may add to existing crime and ASB within the immediate area.

If the sub committee were minded to grant this application, the police would respectfully request that the sale of alcohol is reduced to 23:30. With a closing time of 00:00, this would allow for a 'drinking up period' and help to reduce the levels of intoxication as well as assist with the dispersal of customers.

Submitted respectfully for your consideration.

## 2-B Other Persons

<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>	10 April 2023		

I wish to object to this application for an extension of hours for the following reasons: Noise - increasingly a problem for residents. More disturbed sleep. Car doors slamming as patrons leave premises. Screaming/shouting. Pedicabs with boom boxes. Drug dealers hanging around in cars with loud music playing outside venues late at night. Street urination and vomiting. Anti-social drunken behaviour eg: graffiti and vandalism. Cumulative effect of increased alcohol licences. There have recently been examples of violence in the area, including stabbings in Greek Street.

<b>Name:</b>		██████████	
<b>Address and/or Residents Association:</b>		██████████ ██████████ ██████████ ██████████	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	26 April 2023		
<p>As this pub has deliveries on Sunday from the brewery generally after closing. I would like to know if this would make their deliveries even later due to their later opening hours &amp; therefore causing a disturbance of noise.</p> <p>██████████ &amp; this has happened previously on several occasions where the delivery has been quite late (around midnight) &amp; woken myself &amp; others in the apartment building that I live in.</p>			
<b>Name:</b>		██████████	
<b>Address and/or Residents Association</b>		██████████	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	14 April 2023		
<p>We write to make a relevant representation to the above application on behalf of ██████████ ██████████</p> <p><b>About ██████████</b></p> <p>██████████ is a charitable company limited by guarantee established in 1972. ██████████ ██████████ is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.</p> <p><b>Application Summary</b> <b>Variation Premises Licence</b> Public house covering the ground and first floor.</p> <p><b>Alcohol:</b>. Friday - Saturday: 10:00 - 00:00 <b>Late Night Refreshment</b> : Friday - Saturday: 23:00 - 00:00 <b>Opening Hours:</b> Mon - Thurs: 10:00 - 23:30. Fri - Sat: 12:00 - 00:00. Sun: 12:00 - 23:00</p> <p><b>Current Licence</b> <b>Alcohol:</b>. Monday - Saturday : 10:00 - 23:00 <b>Late Night Refreshment</b> : Monday - Saturday: 23:00 - 23:30 <b>Opening Hours:</b> Monday - Saturday : 10:00 - 23:30. Sunday: 12:00 - 23:00 <b>Capacity</b> : 60 Maximum number on the 1st floor. The ground floor capacity is unknown.</p> <p><b>Representation</b> We object to this application to extend the operating hours of this public house to midnight on Friday and Saturday, this being a full hour past their current licensed hours of 11pm, this extension will fail to promote the licensing objectives and increase cumulative impact in the West End Cumulative Impact Zone.</p> <p>The premises is within Soho an area at the heart of the West End's entertainment district, with its 478 licensed premises which includes a large proportion being late night 119 (25%) licensed with a terminal hour between 1am - 6am and a capacity of 22,480. There are over 200</p>			

restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and entertainment premises, the area is densely populated at night with people on a night out creating loud levels of noise causing disturbance, alongside increasing crime rates, disorder and anti-social behaviour.

The applicant acknowledges the pub is situated within the West End Cumulative Impact Zone and highlights the Pubs and Bars Policy PB1 which states the policy is to refuse a variation of hours but it does not apply when they are within core hours. However, the applicant still has to demonstrate that there will be no increase in cumulative impact and promote the licensing objectives. We find it difficult to believe how a pub operating to midnight on Friday and Saturday, the busiest nights of the week in Soho, will not increase cumulative impact.

We are extremely concerned regarding the current off sales provision which will allow patrons to stand outside drinking on the street until midnight. The additional hour will also result in more people being retained for longer in the area, a concern and raised within Cumulative Impact Policy,

D5 states, *'The retention of people late at night contributes to cumulative impact.'*

Considering the high and increasing crime rates in the area and the noise disturbance already experienced by residents who live on this street, it is clear this application should be refused.

### **Residents**

There are real concerns amongst residents about the ever increasing numbers of licensed premises, they have been subjected to noise disturbance and anti-social behaviour that is beyond acceptable levels. They are disturbed by the late night activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming and horns honking.

This pub is situated in an area with a large number of residential properties on Brewer Street and Gt. Windmill Street. We know residents living on [REDACTED] are disturbed by the late night activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming, horns honking, drug dealers in cars playing thumping bass music from sound systems. Residents are also subjected to anti-social behaviour with people vomiting and urinating in the street and in their doorways.

Residents are also disturbed even if an establishment is not located directly on their street, as patrons usually intoxicated leave premises and either carry on their night out in Soho or as they make their way home making a noise and disturbing residents along the way.

With all of the above it is unsurprising residents experience sleep disturbance, a recent survey conducted by [REDACTED] confirms that residents are disturbed by noise at night and this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

When asked about disturbed sleep; 24% of respondents have their sleep disturbed 7 nights a week, 16% 5 or 6 nights a week and 19% 3 or 4 nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.



The full survey can be found in **Appendix 1**.

### **Crime and Disorder**

The 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**. The level of crime, disorder and anti social behaviour continues to be a huge problem in Soho, the crime figures are high and increasing. The recent police crime report for December 2022 highlights Soho as having the highest number of robberies, overall knife crime and violence against the person compared to other areas within the CIZ. The Committee will be aware of another recent serious incident on Greek Street where two police officers were stabbed which appears to be linked to the drugs trade, this follows on from another serious incident in the same street where a man was seriously injured.

These incidents confirm what residents already know that Soho is unsafe at night. Public safety is a huge concern and has been for a long time, the large number of licensed premises plus the numbers of people out on the streets at night attracts criminal gangs, which in turn results in high levels of crime and disorder creating a very unsafe environment for the public.

In Soho the majority of robberies take place at night, people are targeted as they leave venues. Alongside the robberies and assaults drug dealing is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or as they pass by. 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 which creates the drugs market. Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away.

It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target them. We believe patrons leaving this pub at night will be at high risk of becoming victims of crime.

### **Cumulative Impact Policy CIP1**

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The 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. It concludes that,

***'After consideration of the cumulative impact assessment it is the Licensing Authority's view that the number of premises licences in the West End, are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives. The granting of licences for certain types of operation that are likely to add to Cumulative Impact within these areas would not be consistent with the Licensing Authority's duty under the Licensing Act 2003.'***  
(p.19) ***(Our emphasis)***

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, our observation is Soho attracts more people now than at pre-COVID times.

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy).

D23. ***The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance.*** It goes on, ***The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.*** (our emphasis)

It is important to note the policy relates to the global effects of alcohol licences in the whole impact zone and not just a part of it.

We acknowledge the Pubs and Bars Policy PB1 allows for this variation to the existing licence, but the applicant still has to demonstrate they will not increase cumulative impact, in our view they have failed to do so.

### **In summary**

Any increase in hours of a public house in the West End Cumulative Impact Zone will fail to promote the licensing objectives and increase cumulative impact.

Yours faithfully,

Licensing Committee

██████████

### **Appendix 1 : ██████████ Sleep Survey Results**

#### **Appendix 1 : ██████████ Sleep Survey Results - 31 October 2022**

The survey conducted by ██████████ confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords

10 respondents have children living at home with them

58% have double glazing

37% single glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a week

19% of respondents have their sleep disturbed 3 or 4 nights a week

19% of respondents have their sleep disturbed once or twice a week

20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25.

Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

*I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.*

*I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.*

*[REDACTED], I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.*

*More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.*

*Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the*

*commercial premises rather than residents.*

*There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.*

*There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.*

*████████████████████ Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. ██. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.*

*Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.*

*████████████████████ ... Born and bred.. It's never been this noisy!*

*Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.*

*Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho.*

### 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 and bars are higher risk than theatres, cinemas and other cultural</li> </ol>



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>	Applicant supporting documents
<b>Appendix 2</b>	Existing premises licence 20/08988/LIPDPS
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	The Licensing Authority representation	25 April 2023
<b>5</b>	Environmental Health Service representation	26 April 2023
<b>6</b>	Metropolitan Police Service representation	26 April 2023
<b>7</b>	Interested party 1 representation	10 April 2023
<b>8</b>	Interested party 2 representation	26 April 2023
<b>9</b>	Interested party 3 representation	14 April 2023

**Applicant Supporting Documents**

**Appendix 1**

There are no supporting documents from the applicant.



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

Schedule 12  
Part A

WARD: West End  
UPRN: 100022728595

Premises licence

Regulation 33, 34

Premises licence  
number:

20/08988/LIPDPS

Original Reference:

15/02349/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Duke of Argyll Public House  
37 Brewer Street  
London  
W1F 0RY

**Telephone Number:** 020 7437 6819

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

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment**

Monday to Saturday: 23:00 to 23:30

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

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

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



**The opening hours of the premises:**

Monday to Saturday: 10:00 to 23:30  
Sunday: 12:00 to 23:00

**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:**

Samuel Smith (Southern)  
The Old Brewery  
Tadcaster  
North Yorkshire  
LS24 9SB

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

01345661

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

**Name:** Stavros Samarentsis

*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:** 19/04147/LIPERS  
**Licensing Authority:** City of Westminster Council

**Date:** 19 May 2023

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

## Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

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

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

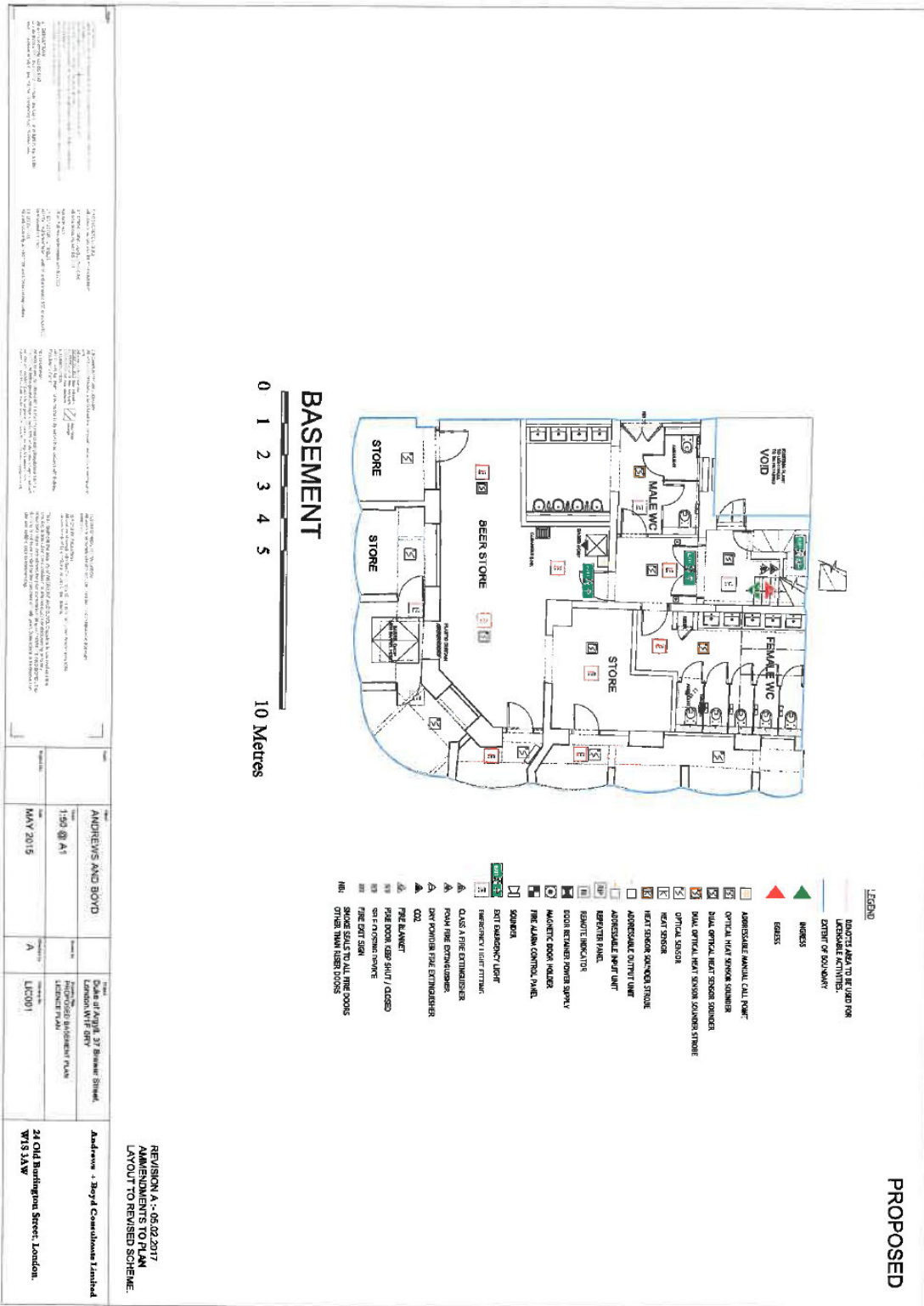
None



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

9. A designated taxi number shall be available.
10. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. 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.
14. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
16. Deliveries and bottle collections shall not be undertaken between the hours of 22:00 and 07:00.
17. The maximum number of persons accommodated in the first floor at any one time shall not exceed 60 persons (excluding staff)
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available until 22:00 in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. Except in an emergency, customers will not use the entrance / exit door situated immediately next to number 25 Great Wimpole Street.
20. A notice shall be prominently displayed on the premises so that it can be read from outside the premises to the effect that customers must not drink or smoke in front of or obstruct any residential doorways.

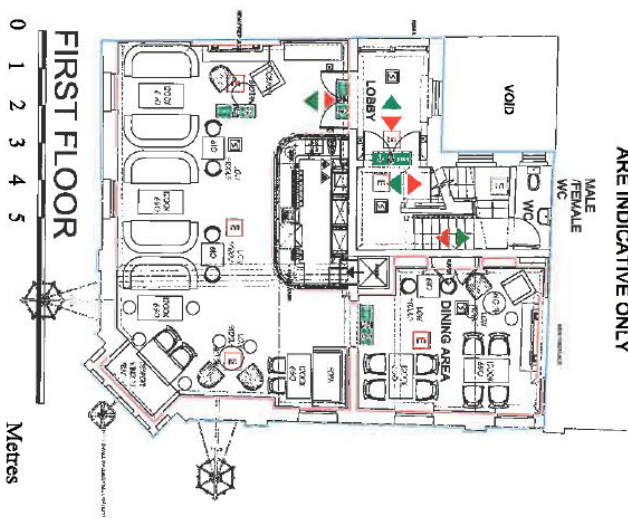
# Annex 4 – Plans





**PROPOSED**

**FURNITURE LAYOUTS  
ARE INDICATIVE ONLY**



- LEGEND**
- ▶ CHAIRS AND TABLES FOR LUNCH ACTIVITIES
  - EXTENT OF ROUNDRY
  - ▶ INDEX
  - ▶ ESCAPE
  - ACCESSIBLE MANUAL CALL POINT
  - OPTICAL HEAT SMOKE SENSORS
  - DUAL OPTICAL HEAT SMOKE SENSORS
  - DUAL OPTICAL HEAT SMOKE SENSORS THROBE
  - OPTICAL SMOKE
  - HEAT SMOKE
  - HEAT SMOKE SENSORS STROBE
  - ACCESSIBLE OUTPUT UNIT
  - ACCESSIBLE INPUT UNIT
  - REPEATER PANEL
  - REMOTE INDICATOR
  - DOOR REMAINS POWER SUPPLY
  - MAGNETIC DOOR HOLDER
  - FIRE ALARM CONTROL PANEL
  - SMOKE
  - EXIT EMERGENCY LIGHT
  - EMERGENCY LIGHT FITTING
  - CLASS A FIRE EXTINGUISHER
  - FLOW FIRE EXTINGUISHER
  - DRY POWDER FIRE EXTINGUISHER
  - CO2
  - ▲ FIRE ALARMS
  - ▲ FIRE DOOR KEEP SHUT / CLOSED
  - ▲ SELF-CLOSING DEVICE
  - ▲ FIRE EXIT SIGN
  - ▲ SMOKE SEAL TO ALL FIRE DOORS
  - ▲ OTHER THAN ISSUED DOORS

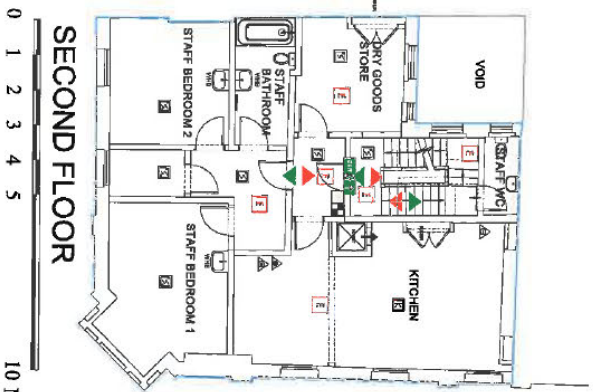
**NOTES**

1. THIS DRAWING IS THE PROPERTY OF ANDREWS AND BOYD ARCHITECTS AND SHOULD NOT BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF ANDREWS AND BOYD ARCHITECTS.
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DATE	DESCRIPTION	BY	CHECKED
MAY 2015	ANDREWS AND BOYD	130 @ A1	A
DATE	DESCRIPTION	BY	CHECKED
	DATE of April 27 Review Sheet	London W1F 8BY	L10003
Andrews + Boyd Consultants Limited		24 Old Burlington Street, London W1S 2AW	

REVISION A - 05.02.2017  
AMENDMENTS TO PLAN  
LAYOUT TO REVISD SCHEME

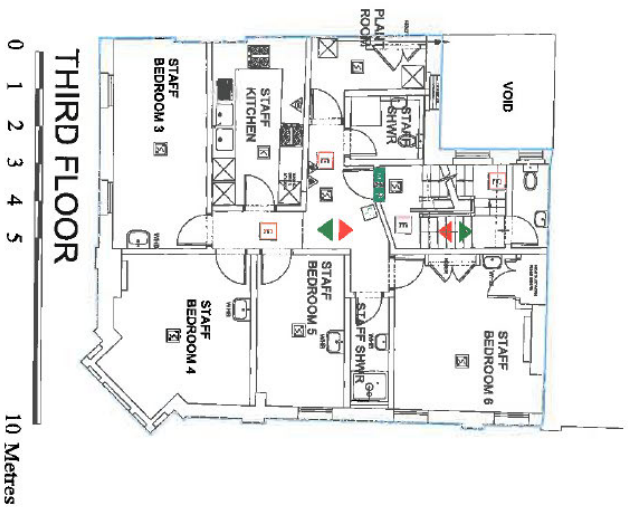
PROPOSED



- LEGEND**
- ROOMS AREA TO BE USED FOR SCHEDULED ACTIVITIES.
  - EXTENT OF ROOFBAY
  - BUILDINGS
  - ▲ SOBSSES
  - ADDRESSABLE MANUAL CALL POINT
  - OPTICAL HEAT SMOKE SENSORS
  - DUAL OPTICAL HEAT SMOKE SENSORS
  - DUAL OPTICAL HEAT SMOKE SENSORS STROKE
  - OPTICAL SMOKE
  - HEAT SMOKE
  - HEAT SMOKE SMOKE SMOKE
  - ADDRESSABLE OPTICAL HEAT
  - ADDRESSABLE HEAT HEAT
  - RESTARTER PANEL
  - RESTARTER PANEL
  - DOOR RETURNED POWER SUPPLY
  - MAGNETIC DOOR HOLDER
  - FIRE ALARM CONTROL PANEL
  - SMOKE
  - EXIT EMERGENCY LIGHT
  - EMERGENCY LIGHT/TYPING
  - ▲ CLASS A FIRE EXTINGUISHER
  - ▲ ROOM FIRE EXTINGUISHER
  - ▲ DRY POWDER FIRE EXTINGUISHER
  - ▲ LIFT
  - ▲ FIRE BLANKET
  - ▲ FIRE DOOR KEYP / CLOSED
  - ▲ SELF-CLOSING DOOR
  - ▲ FIRE DOOR SIGN
  - ▲ SMOKE SEAL TO ALL FIRE EXITS
  - ▲ OTHER THAN LIFT ROOM

REVISION A - 05.02.2017 AMENDMENTS TO PLAN LAYOUT TO REVISED SCHEME.		Andrews + Boyd Consultants Limited 24 Old Burlington Street, London, W1S 3AW	
DATE: 05.02.2017 DRAWN BY: A1		DATE: 05.02.2017 DRAWN BY: A1	
MAY 2015		LIC 004	
ANDREWS AND BOYD		Date of Issue: 27 June 2014 London W1F 9NY	

# PROPOSED



- LEGEND**
- ROOMS ADA TO BE BUD FOR
  - LICENSABLE ACTIVITIES
  - EXISTING OR ADJACENT
  - ▲ RISERS
  - ▲ ESCALS
  - ADDRESSABLE MANUAL CALL POINT
  - OPTICAL HEAT SMOKE SENSOR
  - DUAL OPTICAL HEAT SMOKE SENSOR
  - DUAL OPTICAL HEAT SMOKE SENSOR STROBE
  - OPTICAL SENSOR
  - HEAT SENSOR
  - HEAT SENSOR KILNDRUM STORE
  - ADDRESSABLE OUTPUT UNIT
  - ADDRESSABLE INPUT UNIT
  - REPEATER PANEL
  - REMOTE INDICATOR
  - DOOR RETURN POWER SUPPLY
  - MAGNETIC DOOR HOLDER
  - FIRE ALARM CONTROL PANEL
  - SOUNDER
  - PORT EMERGENCY LIGHT
  - EMERGENCY LIGHT FITTING
  - CLASS A FIRE EXTINGUISHER
  - FLAMMABLE LIQUID EXTINGUISHER
  - DRY POWDER FIRE EXTINGUISHER
  - CO2
  - ▲ FIRE EXTINGUISHER
  - FIRE DOOR KEEP SHUT / CLOSED
  - SELF-CLOSING DEVICE
  - FIRE EXIT SIGN
  - CHARGE SIGNAL TO ALL FIRE EXTINGUISHERS
  - OTHER THAN GREEN DOORS

<p><b>PROJECT INFORMATION</b></p> <p>PROJECT NAME: 31 OLD BURGTON STREET, LONDON          PROJECT ADDRESS: 31 OLD BURGTON STREET, LONDON          PROJECT REFERENCE: 150 @ A1          PROJECT DATE: MAY 2015</p>	<p><b>CLIENT INFORMATION</b></p> <p>CLIENT NAME: ANDREWS AND BOYD          CLIENT ADDRESS: 31 OLD BURGTON STREET, LONDON          CLIENT CONTACT: LIC006</p>	<p><b>DESIGNER INFORMATION</b></p> <p>DESIGNER NAME: ANDREWS AND BOYD          DESIGNER ADDRESS: 31 OLD BURGTON STREET, LONDON          DESIGNER CONTACT: LIC006</p>	<p><b>DATE</b></p> <p>MAY 2015</p>	<p><b>SCALE</b></p> <p>1:50 @ A1</p>	<p><b>REVISIONS</b></p> <p>REVISION A - 08.02.2017          AMENDMENTS TO PLAN          LAYOUT TO REVISED SCHEME</p>
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City of Westminster  
64 Victoria Street, London,  
SW1E 6QP

Schedule 12  
Part B

Premises licence  
summary

WARD: West End  
UPRN: 100022728595

Regulation 33, 34

Premises licence  
number:

20/08988/LIPDPS

Part 1 – Premises details

Postal address of premises:

Duke of Argyll Public House  
37 Brewer Street  
London  
W1F 0RY

Telephone Number: 020 7437 6819

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment**

Monday to Saturday: 23:00 to 23:30

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

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30

Sunday: 12:00 to 23:00



**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:**

Samuel Smith (Southern)  
The Old Brewery  
Tadcaster  
North Yorkshire  
LS24 9SB

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

01345661

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

**Name:** Stavros Samarentsis

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

Restricted

**Date:** 19 May 2023

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

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
15/02349/LIPN	<p>New premises licence</p> <p><b>Late Night Refreshment</b> Monday to Saturday: 23:00 to 23:30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p><b>Sale by Retail of Alcohol</b> Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>	11.06.2015	Granted at Licensing Sub-Committee
16/00070/LIPV	<p>Application to vary the premises licence:</p> <p>To vary the layout of the ground and first floor</p>	18.05.2016	Granted under Delegated Authority
17/02573/LIPVM	<p>Minor variation application:</p> <p>To vary the layout of the ground and first floor</p>	27.03.2017	Granted under Delegated Authority
17/12672/LIPDPS	<p>Application to vary the Designated Premises Supervisor</p>	18.12.2017	Granted under Delegated Authority
18/02447/LIPT	<p>Transfer application: Thomas Jeffrey Paget to Thomas Jeffrey Paget</p>	09.05.2018	Granted under Delegated Authority
19/03491/LIPDPS	<p>Application to vary the Designated Premises Supervisor</p>	14.06.2019	Granted under Delegated Authority

20/07422/LIPDPS	Application to vary the Designated Premises Supervisor	16.09.2020	Granted under Delegated Authority
20/08988/LIPDPS	Application to vary the Designated Premises Supervisor	19.10.2020	Granted under Delegated Authority

**There is no appeal or Temporary Event Notice history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

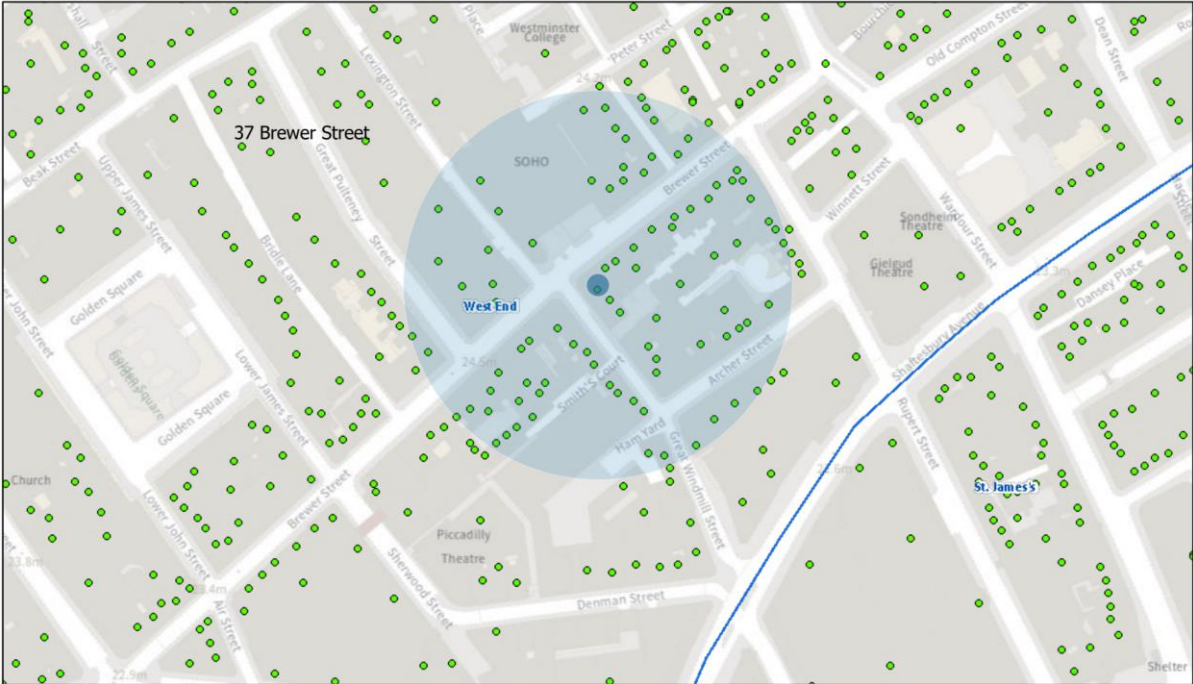
## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

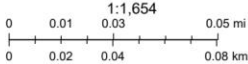
9. A designated taxi number shall be available.
10. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. 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.
14. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
16. Deliveries and bottle collections shall not be undertaken between the hours of 22:00 and 07:00.
17. The maximum number of persons accommodated in the first floor at any one time shall not exceed 60 persons (excluding staff)
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available until 22:00 in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. Except in an emergency, customers will not use the entrance / exit door situated immediately next to number 25 Great Wimpole Street.
20. A notice shall be prominently displayed on the premises so that it can be read from outside the premises to the effect that customers must not drink or smoke in front of or obstruct any residential doorways.

**Duke Of Argyll Public House, 37 Brewer Street, London, W1F 0RY**



16/05/2023, 09:36:21

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



**Resident count: 235**



**Licensed premises within 75 metres of Duke Of Argyll Public House, 37 Brewer Street, London, W1F 0RY**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
20/08988/LIPDPS	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
15/02567/LIPVM	Blacklock	25 Great Windmill Street London W1D 7LH	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 23:30
17/09357/LIPN	Fiorucci	39-43 Brewer Street London W1F 9UD	Shop	Saturday to Sunday; 08:00 - 20:00
22/11095/LIPVM	El Camion	25-27 Brewer Street London W1F 0RR	Restaurant	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
23/00869/LIPRW	Bantof Co	31 Great Windmill Street London W1D 7LP	Restaurant	Sunday; 08:00 - 22:30   Monday to Saturday; 08:00 - 00:00
22/02238/LIPRW	Thin White Duke	22 Great Windmill Street London W1D 7LD	Cafe within another property	Sunday; 09:00 - 22:30   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00
22/07815/LIPT	Not Recorded	21 Great Windmill Street London	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday;

		W1D 7LB		10:00 - 00:30
22/12095/LIPDPS	Not Recorded	28 Brewer Street London W1F 0SR	Restaurant	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
21/03810/LIPN	Not Recorded	28 Brewer Street London W1F 0SR	Restaurant	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/10483/LIPDPS	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
17/02349/LIPDPS	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
23/01607/LIPRW	CheeMc	32 Great Windmill Street London W1D 7LR	Restaurant	Sunday; 09:00 - 23:00   Monday to Thursday; 09:00 - 00:00   Friday to Saturday; 09:00 - 00:30   Sundays before Bank Holidays; 09:00 - 00:30
17/12283/LIPT	Damson & Co	21 Brewer Street London	Restaurant	Monday to Sunday; 08:00 - 21:45

		W1F 0RL		Sundays before Bank Holidays; 08:00 - 00:00
22/11964/LIPDPS	Bills	36 Brewer Street London W1F 9TA	Cafe	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Sunday; 10:00 - 00:00
23/00443/LIPCH	Kissaten	30 Brewer Street London W1F 0SS	Recording Studio	Monday to Sunday; 09:00 - 00:00
22/01978/LIPN	Shadow Licence	20 Great Windmill Street London W1D 7LA	Not Recorded	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 - 22:50
22/01460/LIPDPS	Be At One	20 Great Windmill Street London W1D 7LA	Public house or pub restaurant	Sunday; 10:00 - 22:50   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
23/01291/LIPDPS	Chilango	24 Brewer Street London W1F 0SN	Restaurant	Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Monday to Friday; 10:00 - 23:00
23/00335/LIPDPS	Bocca Di Lupo	Basement And Ground Floor 12 Archer Street London W1D 7BB	Restaurant	Sunday; 11:00 - 23:30   Monday to Friday; 07:30 - 00:00

20/06574/LIPV	Cutter And Squidge	20 Brewer Street London W1F 0SJ	Shop (large)	Monday; 09:30 - 21:00   Tuesday; 09:30 - 21:00   Wednesday; 09:30 - 21:00   Thursday; 09:30 - 22:00   Friday; 09:30 - 23:00   Saturday; 10:00 - 23:00   Sunday; 11:00 - 21:30
19/09651/LIPN	Not Recorded	57 Rupert Street London W1D 7PL	Wine bar	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
19/14625/LIPVM	The Yard Bar	57 Rupert Street London W1D 7PL	Wine bar	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 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
16/01124/LIPDPS	Wagamama	10A Lexington Street London W1F 0LD	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/06245/LIPVM	Lina Stores	18 Brewer Street London W1F 0SH	Shop	Monday to Sunday; 00:00 - 00:00
22/12118/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30

21/14420/LIPDPS	Randall & Aubin	16 Brewer Street London W1F 0SQ	Cafe	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/02447/LIPDPS	Yalla Yalla	Basement And Ground Floor 1 Green's Court London W1F 0HA	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/05587/LIPT	Paradise Ldn	61 Rupert Street London W1D 7PW	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
16/08679/LIPT	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
14/08609/LIDPSR	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
22/09173/LIPDPS	Archer Street	3 - 4 Archer Street London W1D 7AP	Night clubs and discos	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 01:30   Sundays before Bank Holidays; 09:00 - 00:00
06/06238/WCCMAP	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
21/04777/LIPDPS	West End Metro	Ground Floor 38 Great Windmill Street London	Shop	Sunday; 07:00 - 02:00   Monday to Saturday; 07:00 - 02:00

		W1D 7LU		
16/10909/LIPDPS	Lils	53 Rupert Street London W1D 7PH	Restaurant	Friday; 07:00 - 00:00   Saturday; 08:00 - 00:00   Sunday; 08:00 - 22:30   Monday to Thursday; 07:00 - 23:00   Sundays before Bank Holidays; 08:00 - 00:00
22/07837/LIPV	The Windmill	17 - 19 Great Windmill Street London W1D 7JZ	Theatre	Monday; 09:00 - 05:30   Tuesday; 09:00 - 05:30   Wednesday; 09:00 - 05:30   Thursday; 09:00 - 05:30   Friday; 09:00 - 05:30   Saturday; 09:00 - 05:30   Sunday; 09:00 - 03:00
21/14637/LIPV	Not Recorded	17 - 19 Great Windmill Street London W1D 7JZ	Sexual Entertainment Venue	Monday; 09:00 - 05:30   Tuesday; 09:00 - 05:30   Wednesday; 09:00 - 05:30   Thursday; 09:00 - 05:30   Friday; 09:00 - 05:30   Saturday; 09:00 - 05:30   Sunday; 09:00 - 03:00