



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

13 July 2023

Licensing Ref No:

23/02937/LIPV - Premises Licence Variation

Title of Report:

Clemence  
46 Shepherd Market  
London  
W1J 7QS

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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Email: [Jdonovan@westminster.gov.uk](mailto:Jdonovan@westminster.gov.uk)

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	4 May 2023		
<b>Applicant:</b>	1WSBH Ltd		
<b>Premises:</b>	Clemence		
<b>Premises address:</b>	46 Shepherd Market London W1J 7QS	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises currently operates as a café and shop with a small bar serving coffees, carafes of wine, small glasses of 'pression' craft beers, and a short list of wines.		
<b>Variation description:</b>	This variation seeks the following: <ul style="list-style-type: none"> <li>To vary the terminal hour for the retail sale of alcohol on Thursday to Saturday from 22:30 to 23:30.</li> <li>To add Late Night Refreshment.</li> <li>To vary the opening hours on Friday to Saturday from 23:30 to 00:00.</li> </ul>		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2022. The current premises licence (22/00815/LIPN) can be viewed at <b>Appendix 2</b> of this report along with the premises history at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	The applicant has provided a mediation letter for the interested party. A copy can be found at <b>Appendix 1</b> .		
<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>	
		N/A			Indoors	
	<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>	N/A		N/A	N/A	N/A	Basement and Ground Floor
<b>Tuesday</b>			N/A	N/A		
<b>Wednesday</b>			N/A	N/A		
<b>Thursday</b>			23:00	23:30		
<b>Friday</b>			23:00	23:30		
<b>Saturday</b>			23:00	23:30		
<b>Sunday</b>			N/A	N/A		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

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	09:00	22:30	09:00	22:30	Basement and Ground Floor	No change
Tuesday	09:00	22:30	09:00	22:30		
Wednesday	09:00	22:30	09:00	22:30		
Thursday	09:00	22:30	09:00	23:30		
Friday	09:00	22:30	09:00	23:30		
Saturday	09:00	22:30	09:00	23:30		
Sunday	09:00	21:30	09:00	21:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:30	09:00	23:30	Basement and Ground Floor	No change
Tuesday	09:00	23:30	09:00	23:30		
Wednesday	09:00	23:30	09:00	23:30		
Thursday	09:00	23:30	09:00	23:30		
Friday	09:00	23:30	09:00	00:00		
Saturday	09:00	23:30	09:00	00:00		
Sunday	09:00	22:30	09:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	

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

## 2. Representations

2-A 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>	29 May 2023		
<p>The application fails to take into account the impact of these extended licences on residents. [REDACTED] is typically residential [REDACTED], and the noise and disruption from late night drinking significantly impairs the experience of living [REDACTED]. This problem is exacerbated when drinkers are outside, and despite many assurances from business owners over the years (and indeed the terms of their licences), they prove incapable of limiting the outside crowds.</p> <p>The existing licensing hours are much more consistent with the mixed use nature of the neighbourhood and the extended hours should be rejected.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

#### Policy HRS1 applies

- 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.
- 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:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
  12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
  13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
  14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>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:</p> <ol style="list-style-type: none"> <li>1. <b>Casinos:</b> Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.</li> <li>2. <b>Cinemas, Cultural Venues and Live Sporting Premises:</b> Monday to Sunday: 9am to 12am</li> <li>3. <b>Hotels:</b> 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.</li> <li>4. <b>Off licences:</b> Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</li> <li>5. <b>Outdoor Spaces:</b> 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.</li> <li>6. <b>Pubs and bars, Fast Food and Music and Dance venues:</b> 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.</li> <li>7. <b>Qualifying Clubs:</b> 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.</li> <li>8. <b>Restaurants:</b> 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.</li> <li>9. <b>Sexual Entertainment Venues and Sex Cinemas:</b> 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.</li> </ol> <p>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> <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 RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact 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 meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact 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 are 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 demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>
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#### 4. Equality Implications

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

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

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

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Existing premises licence 22/00815/LIPN
<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: <a href="mailto:Jdonovan@westminster.gov.uk">Jdonovan@westminster.gov.uk</a>

**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>	Interested party representation	29 May 2023



Mediation letter

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

6 June 2023

Dear [REDACTED]

**Premises Licence Variation Application – Clemence 46 Shepherd Market W1J 7QS**

I hope that this letter finds you well. Westminster Council have provided me with a copy of your representation in respect of my premises licence variation application. Thank you for taking the time to comment on my proposals.

As you may know, Clemence operates as an all-day friendly café and shop with a small bar serving coffees, carafes of wine, small glasses of 'pression' craft beers, and a short list of wines taken from our sister shop the long serving and well-loved Shepherd Market Winehouse. The menu serves delicious cheese, charcuterie and oysters in season.

I engaged with the [REDACTED] before submitting the application. Following that consultation, they did not object to the application. I am equally committed to engaging with you to address the concerns that you have raised.

My management team and I will continue to utilise the years of experience we have operating the Shepherd Market Winehouse to ensure Clemence continues to run professionally and responsibly alongside the local community at all times. The licence includes a number of comprehensive conditions to safeguard the business operation and ensure the promotion of the licensing objectives in Shepherd Market during the proposed hours.

In addition, after considering your concerns, we intend to review our management procedures with our team to ensure that you and your neighbours are not disturbed by the additional hours proposed.

Thank you for taking the time to consider this letter. Please do not hesitate to contact me if you would like to discuss the application further or arrange a meeting.

Yours sincerely

Nathan Lowry



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

**Schedule 12  
Part A**

**WARD: West End  
UPRN: 100023476481**

**Premises licence**

Regulation 33, 34

**Premises licence  
number:**

22/00815/LIPN

**Original Reference:**

22/00815/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Clemence  
46 Shepherd Market  
London  
W1J 7QS

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**

Monday to Saturday: 09:00 to 22:30  
Sunday: 09:00 to 21:30

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 23:30  
Sunday: 09:00 to 22:30

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

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

## Part 2

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

1WSBH Ltd  
160C Drake Street  
Rochdale  
OL16 1QD

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

13156291

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

**Name:** Mr Nathan Lowry

*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: 05/02119/LIPERS  
Licensing Authority: City Of Westminster Council

**Date:** 19 January 2023

**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.

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

9. There shall be no self-service of alcohol on the premises.
10. 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.
11. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.
12. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
13. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours
14. The supply of alcohol shall be by waiter or waitress service only
15. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table

16. Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission
17. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council
18. 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.
19. 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.
20. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.

21. All sales of alcohol for consumption off the premises shall be in sealed containers only
22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
24. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
25. There shall be no smoking of shisha at any area dedicated for smoking
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
28. 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
29. All windows and the ground floor external doors, shall be kept closed after 23:00 hours, except for the immediate access and egress of persons
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
34. 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
35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
36. 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.
37. CCTV:

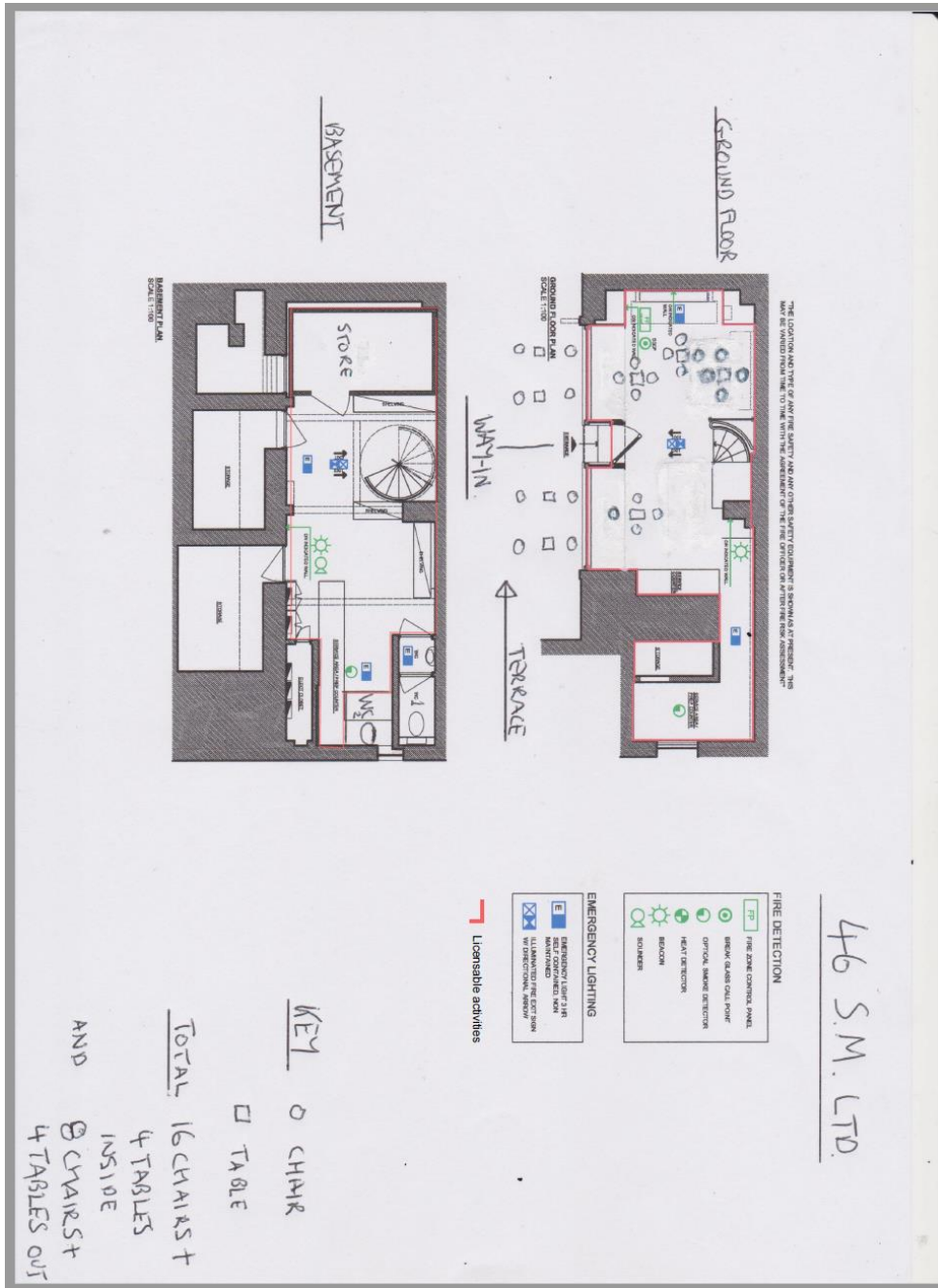


- a. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - b. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - c. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - d. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - e. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
38. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
39. 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. It must be completed within 24 hours of the incident and 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.

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

None.

Annex 4 – Plans





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

Schedule 12  
Part B

Premises licence  
summary

WARD: West End  
UPRN: 100023476481

Regulation 33, 34

Premises licence  
number:

22/00815/LIPN

Part 1 – Premises details

Postal address of premises:

Clemence  
46 Shepherd Market  
London  
W1J 7QS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday:	09:00 to 22:30
Sunday:	09:00 to 21:30

The opening hours of the premises:

Monday to Saturday:	09:00 to 23:30
Sunday:	09:00 to 22:30

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

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

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

1WSBH Ltd  
160C Drake Street  
Rochdale  
OL16 1QD

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

13156291

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

Name: Mr Nathan Lowry

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

Restricted

**Date:** 19 January 2023

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

**Premises licence history**

**Appendix 3**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
22/00815/LIPN	New premises licence  <b>Retail Sale of Alcohol:</b> Monday to Saturday 09:00 to 22:30 Sunday 09:00 to 21:30	23.03.2022	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**

9. There shall be no self-service of alcohol on the premises.

10. 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.
11. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.
12. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
13. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours
14. The supply of alcohol shall be by waiter or waitress service only
15. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table

16. Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission
17. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council
18. 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.
19. 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.
20. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only
22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours

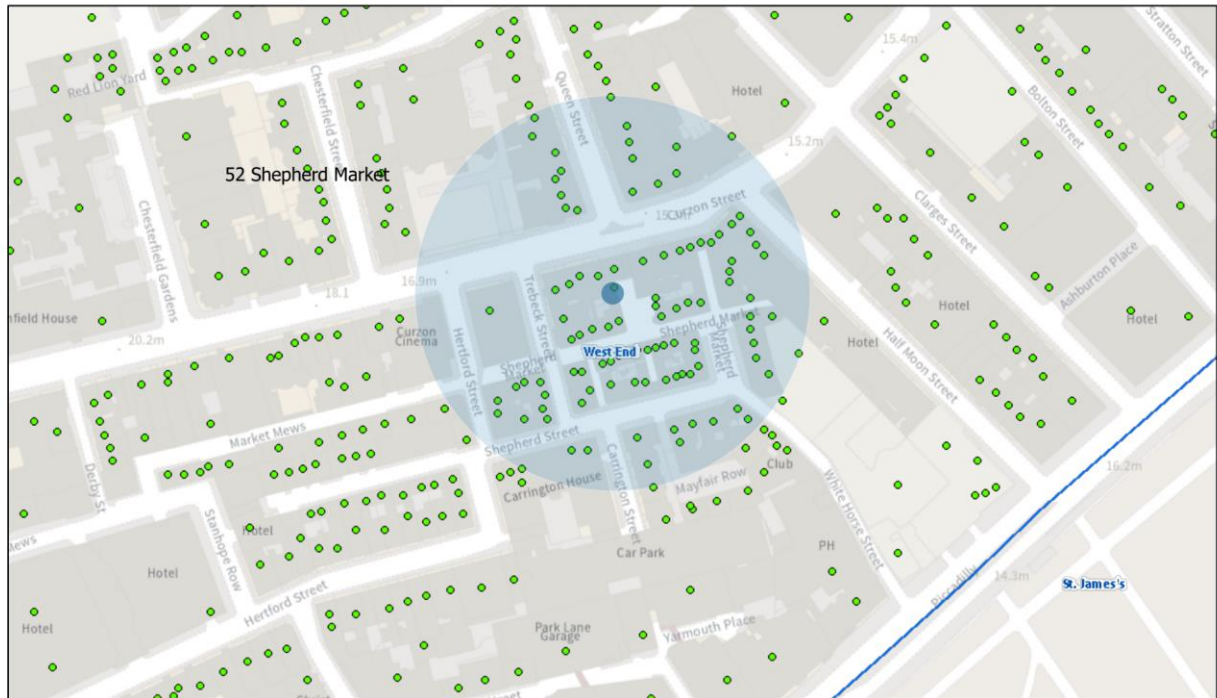
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
24. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
25. There shall be no smoking of shisha at any area dedicated for smoking
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
28. 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
29. All windows and the ground floor external doors, shall be kept closed after 23:00 hours, except for the immediate access and egress of persons
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
34. 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
35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
36. 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.

37. CCTV:
- a. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - b. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - c. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - d. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - e. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
38. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
39. 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. It must be completed within 24 hours of the incident and 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.

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

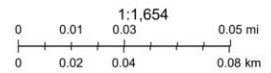
None

46 Shepherd Market, London, W1J 7QS



26/06/2023, 12:04:24

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



**Resident Count: 132**

**Licensed premises within 75 metres of 46 Shepherd Market, London, W1J 7QS**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
12/08761/LIPN	L'Eto Caffè	Basement And Ground Floor 46 - 48 Shepherd Market London W1J 7QS	Cafe	Monday to Sunday; 08:00 - 20:30
22/00815/LIPN	Clemence	46 Shepherd Market London W1J 7QS	Shop (large)	Sunday; 09:00 - 22:30   Monday to Saturday; 09:00 - 23:30
15/08015/LIPDPS	Brasserie Al Hamra	52 Shepherd Market London W1J 7QU	Cafe	Sunday; 12:00 - 00:30   Monday to Saturday; 09:00 - 00:30
16/03441/LIPVM	Shepherds Market Fine Wine	21 Shepherd Market London W1J 7PN	Wine bar	Sunday; 12:00 - 22:30   Monday to Saturday; 08:00 - 23:00
23/03489/LIPRW	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/09518/LIPT	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/07458/LIPN	Not Recorded	Basement And Ground Floor 19 Shepherd Market London W1J 7PJ	Not Recorded	Monday to Sunday; 08:00 - 22:30
19/01505/LIPT	Iran Restaurant	27 Shepherd Market London W1J 7PR	Restaurant	Sunday; 08:00 - 23:00   Monday to Saturday; 07:00 - 00:00
18/07751/LIPDPS	Ferdi	Basement And Ground Floor 30 Shepherd Market London	Shop	Sunday; 08:00 - 23:30   Monday to Saturday; 08:00 - 00:00

		W1J 7QN		
15/08808/LIPDPS	Al Hamra Restaurant	31-33 Shepherd Market London W1J 7PT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
11/05119/LIPN	Misto	7 Shepherd Market London W1J 7PE	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00
17/00239/LIPN	Mayfair News	28 Shepherd Market London W1J 7QL	Shop	Sunday; 07:00 - 22:30   Monday to Saturday; 07:00 - 23:00
12/01313/LIPN	Yazu Sushi	Basement Part And Ground Floor 46 Curzon Street London W1J 7UH	Restaurant	Monday to Saturday; 12:00 - 22:00
22/04052/LIPDPS	The Little Square	3 Shepherd Market London W1J 7PB	Shop	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
18/14075/LIPT	Curzon Mayfair Cinema	38 Curzon Street London W1J 7TY	Cinema	Sunday; 10:00 - 02:30   Monday to Saturday; 09:00 - 02:30
17/14552/LIPDPS	Cafe Ambassadeur	Ground Floor 2 Shepherd Street London W1J 7JE	Cafe	Monday to Sunday; 06:00 - 23:30
06/06509/WCCMAP	L'artiste Muscle	1 Shepherd Market London W1J 7PA	Wine bar	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/00676/LIPDPS	Sofra	19 Trebeck Street London W1J 7LX	Office	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/10844/LIPDPS	Ye Grapes	16 Shepherd Market London	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday;

		W1J 7QQ		10:00 - 23:30
22/09887/LIPCH	Maru	18 Shepherd Market London W1J 7QH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
06/06358/WCCMAP	Da Corradi Restaurant	Basement And Ground Floor 20-22 Shepherd Market London W1J 7QJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/12682/LIPV	Tamarind Restaurant	21 Queen Street London W1J 5PR	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
21/06706/LIPT	5 Hertford Street	55 Shepherd Market London W1J 7PU	Restaurant	Wednesday; 07:30 - 02:30   Sunday; 12:00 - 00:30   Monday to Tuesday; 07:30 - 01:30   Thursday to Saturday; 07:30 - 03:00
20/01581/LIPCH	Little House	2 Queen Street London W1J 5PA	Restaurant	Sunday; 08:00 - 22:30   Monday to Thursday; 08:00 - 01:30   Friday to Saturday; 08:00 - 02:30
22/05556/LIPV	Kitty Fishers Restaurant	Basement And Ground Floor Front 10 Shepherd Market London W1J 7QF	Restaurant	Monday; 10:00 - 00:00   Tuesday; 10:00 - 00:00   Wednesday; 10:00 - 00:00   Thursday; 10:00 - 00:00   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00



				Sunday; 12:00 - 00:00
22/02089/LIPVM	The Market Tavern	7 Shepherd Street London W1J 7HR	Public house or pub restaurant	Monday; 07:00 - 23:30   Tuesday; 07:00 - 23:30   Wednesday; 07:00 - 23:30   Thursday; 07:00 - 23:30   Friday; 07:00 - 23:30   Saturday; 07:00 - 23:30   Sunday; 07:00 - 23:00
19/04356/LIPDPS	L'autre Wine Bar	5B Shepherd Street London W1J 7HP	Wine bar	Sunday; 12:00 - 00:00   Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30   Monday to Saturday; 10:00 - 00:30
20/11521/LIPDPS	Murano	Ground Floor North Meadows House 20 - 22 Queen Street London W1J 5PR	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
20/06850/LIPN	Caffe Inn	3 Shepherd Street London W1J 7HL	Cafe	Sunday; 07:00 - 22:30   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00
18/08102/LIPDPS	Le Menar	1A Shepherd Street London W1J 7HJ	Restaurant	Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 01:00   Sundays before Bank Holidays; 09:00 - 01:00
18/14311/LIPDPS	Kings Arms	Whole Building 2 Shepherd Market London W1J 7QA	Public house or pub restaurant	Sunday; 10:00 - 00:00   Monday to Wednesday; 10:00 - 00:30   Thursday to

				Saturday; 10:00 - 01:00
18/06444/LIPV	Turmeaus Tobacconist	1 White Horse Street London W1J 7LB	Shop	Saturday; 10:00 - 18:00   Sunday; 12:00 - 16:00   Monday to Tuesday; 10:00 - 18:00   Wednesday to Friday; 10:00 - 19:00