



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

20 July 2023

Licensing Ref No:

23/02652/LIPV - Premises Licence Variation

Title of Report:

John Snow
39 Broadwick Street
London
W1F 9QJ

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:

Karyn Abbott
Senior Licensing Officer

Contact details

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1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	24 April 2023		
Applicant:	Samuel Smith Southern		
Premises:	John Snow		
Premises address:	39 Broadwick Street London W1F 9QJ	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	The premises operates as a Public House.		
Variation description:	<p>This variation application seeks to permit the following:</p> <ol style="list-style-type: none"> 1. Extend all licensable activities (including opening hours) on Friday and Saturday until 00:00 hours. 2. To remove all conditions currently attached to the Premises Licence and replace with updated conditions. This can be found in 1D and Appendix 4. 3. To add non-standard timings for all licensable activities (including opening hours) to extend for New Year's Eve. <i>'From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.'</i> 		
Premises licence history:	<p>The premises has had the benefit of a premises licence since August 2005.</p> <p>The current premises licence (18/05402/LIPDPS) can be viewed at Appendix 1 of this report.</p> <p>A full licence and Temporary Event Notice History for the premises appears at Appendix 3.</p>		
Applicant submissions:	<p>The applicant has proposed 13 new conditions to replace the historic conditions found on the licence. These can be found at 1D and Appendix 4.</p> <p>The applicant has provided additional submissions in relation to the background of the premises, menus, photographs, and a dispersal policy. This can be found at Appendix 2.</p>		
Applicant amendments:	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No Change		Ground and First Floor	No Change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations:	Current:				Proposed:	
	None				No Change	
Non-standard timings:	Current:				Proposed:	
	None				N/A	

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No Change		Ground and First Floor	No Change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations:	Current:				Proposed:	
	None				No Change	
Non-standard timings:	Current:				Proposed:	
	None				N/A	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No Change		Ground and First Floor	No Change
Tuesday	23:00	23:30	No Change			
Wednesday	23:00	23:30	No Change			
Thursday	23:00	23:30	No Change			
Friday	23:00	23:30	23:00	00:00		
Saturday	23:00	23:30	23:00	00:00		
Sunday	N/A	N/A	No Change			
Seasonal	Current:				Proposed:	

variations/ Non-standard timings:	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
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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	No Change		Ground and First Floor	No Change
Tuesday	10:00	23:00	No Change			
Wednesday	10:00	23:00	No Change			
Thursday	10:00	23:00	No Change			
Friday	10:00	23:00	10:00	00:00		
Saturday	10:00	23:00	10:00	00:00		
Sunday	12:00	22:30	No Change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition, permitted hours means: (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00 (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30 (c) On Good Friday, 12:00 to 22:30 (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30 (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00 (f) On New Year's Eve on a Sunday, 12:00 to 22:30 (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		Ground and First Floor	No Change
Tuesday	10:00	23:30	No Change			
Wednesday	10:00	23:30	No Change			
Thursday	10:00	23:30	No Change			
Friday	10:00	23:30	10:00	00:00		
Saturday	10:00	23:30	10:00	00:00		
Sunday	12:00	23:00	No Change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

1-C Layout alteration
No proposed changes to the Layout

1-D Conditions to be removed.
Conditions
<p>Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment</p> <p>Conditions related to the Sale of Alcohol</p> <p>9. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30</p> <p>(c) On Good Friday, 12:00 to 22:30</p> <p>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30</p> <p>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00</p> <p>(f) On New Year's Eve on a Sunday, 12:00 to 22:30</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;</p> <p>(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</p>

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there;

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(a) He is the child of the holder of the premises licence.

(b) He resides in the premises, but is not employed there.

(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

1-D Conditions to be added

Proposed Conditions

1. (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.
2. 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.
3. 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.
4. No drinks to be taken outside after 23.00 hours.
5. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes

before the scheduled collection times.		
8. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.		
9. 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.		
10. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.		
11. 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, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.		
12. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.		
13. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.		
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Steve Mulddon
Received:	22 May 2023
<u>Re: 23/02652/LIPV – John Snow, 39 Broadwick St, W1</u>	
Dear Westminster Licensing Team,	
I refer to the above-mentioned application for a new premises licence for the above listed address.	
Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representations:	
The proposal made is likely to undermine the following licensing objectives:	
<ul style="list-style-type: none"> • The Prevention of Crime and Disorder 	
The venue is located within the cumulative impact area and as such crime levels are astronomically high. The police are currently struggling to cope with the current demand placed on us.	
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.

2-B Other Persons

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	14 May 2023

We are being forced from our home in soho due to later licence opening hours and the cumulative impact of late night noise preventing sleep kindly reject this application.

Further Submissions Received 19 May 2023

Licencing have already saturated the area with excessive licences with alcohol creating cumulative impact of noise level rendering the high residential zone of dufours place [REDACTED] [REDACTED] unfit for children and further later licences will render the area unfit to live for adults both due to noise and and being an unsafe area due to the clear lack of of police resources to control. At what point in time will licencing take into account the need for residents to sleep or is it licencings expectation for residents to move out and to turn Soho into one huge unmanagable un livable unsafe nightmare. Any approval of additional licencing and later hours are a breach of human rights and continued disregard for residents weafare will result in an investigation of the motivation to approve

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	20 May 2023

Reference: 23/02652/LIPV : John Snow, 39, Broadwick Street, W1F 9QJ

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

About the [REDACTED]

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

Application Summary.

Variation Premises Licence

Public house. Seek to remove all conditions attached to the Premises Licence and replace with conditions submitted.

Alcohol: Friday - Saturday: 10:00 - 00:00

Late Night Refreshment : Friday - Saturday: 23:00 - 00:00

Opening Hours: Mon - Thurs: 10:00 - 23:30. Fri - Sat: 12:00 - 00:00. Sun: 12:00 - 23:00

On and Off the premises

Capacity : unknown

New conditions

4. No drinks to be taken outside after 11pm
5. All outside tables and chairs shall be rendered unusable by 23:00 each day

Current Licence 18/05402/LIPDPS

Alcohol: Monday - Saturday : 10:00 - 23:00. Sunday: 12:00 - 22:30

Late Night Refreshment : Monday - Saturday: 23:00 - 23:30

Opening Hours: Monday - Saturday : 10:00 - 23:30. Sunday: 12:00 - 23:00

On and Off Sales Capacity : unknown

Representation

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.

The premises is within Soho an area at the heart of the West End's entertainment district, with its **482** 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 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 stating 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. In our view a pub operating until midnight on Friday and Saturday the busiest nights of the week in Soho, will increase cumulative impact.

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, this application should be refused.

Residents

The pub is situated in an area with a large number of residential properties, with a significant number of people living on [REDACTED] and the streets which surround it, there are over 200 flats. We know they are already disturbed by nighttime activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming and horns honking.

Not only will people living in the immediate vicinity be affected but also those who live in other parts of Soho, as patrons leave the premises to either continue their night out in the area or as they make their way home. For residents, people at some point will walk down their street or pass nearby and with people who are usually highly intoxicated, this involves, shouting, screaming, fighting creating a loud noise, they are also subjected to anti social-behaviour with people vomiting and urinating in the street or in their doorways.

With all of the above it is unsurprising residents experience sleep disturbance, a recent survey conducted by the [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 part of a well organised criminal group who arrive in a van at night and disperse into Soho before re-turning 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.

In summary Any increase in hours of a public house in the West End Cumulative Impact Zone will increase noise disturbance, crime, disorder, anti - social and cumulative impact.

Appendix 1 : Soho Society Sleep Survey Results

Appendix 1 : Soho Society Sleep Survey Results - 31 October 2022

The survey conducted by the Soho Society 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 dis-ruption & 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.

working from home, 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. 1 in [redacted] and 1 in [redacted] 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.

I've lived in Soho for 60 years... 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

END

3. Policy & Guidance

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

Policy CIP1 applies	A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to: 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact. D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.
Policy 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 are expected to be covered by Temporary Event Notices or variation applications.

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

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

	<p>Sundays immediately prior to a bank holiday: Midday to Midnight.</p> <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>Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p>Policy PB1 applies</p>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D. <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>

4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Current Premises Licence 18/05402/LIPDPS
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Metropolitan Police Service	22 May 2023
5	Representation 1	14 May 2023
6	Representation 2	20 May 2023



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

Schedule 12
Part A

WARD: West End
UPRN: 100023471111

Premises licence

Regulation 33, 34

Premises licence number:

18/05402/LIPDPS

Original Reference:

05/05573/LIPC

Part 1 – Premises details

Postal address of premises:

John Snow
39 Broadwick Street
London
W1F 9QJ

Telephone Number: 020 7437 1344

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 23:30

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

Sale by Retail of Alcohol
Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 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
1 High Street
Tadcaster
LS24 9SB
Electronic Mail : tom@ssob.wanadoo.co.uk
Head Office Phone Number : 01937 83225

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: Mr David James Hemmings

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: 06/00237/LIPERS
Licensing Authority: London Borough Of Croydon

Date: 25 July 2018

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.
 - (ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

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

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

Conditions related to the Sale of Alcohol

9. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there;

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(a) He is the child of the holder of the premises licence.

(b) He resides in the premises, but is not employed there.

(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

None



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

Schedule 12
Part B

WARD: West End
UPRN: 100023471111

Premises licence
summary

Regulation 33, 34

Premises licence number:

18/05402/LIPDPS

Part 1 – Premises details

Postal address of premises:

John Snow
39 Broadwick Street
London
W1F 8QJ

Telephone Number: 020 7437 1344

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 23:30

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

Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday:	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
1 High Street
Tadcaster
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: Mr David James Hemmings

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

Restricted

Date: 25 July 2018

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



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Samuel Smith (Southern) (the "Applicant")

Application to vary a Premises Licence

John Snow, 39 Broadwick Street, London W1F 9QJ (the "Premises")

Applicant's Written Submissions

This statement is made in support of an application to vary a premises licence with the intention of outlining the Applicant's case and seeking to address the concerns of those maintaining representations.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing if all representations are not withdrawn.

Background & Layout

The Applicant is a longstanding independent brewery which takes a long-term view. It is unique in that it only stocks it owns products (including soft drinks and snacks) and has a staunchly traditional approach to its pubs in that they do not play any music, nor have televisions, nor permit laptops to be used. The whole ethos is that local communities can enjoy spending time together without unwanted distractions. By not playing music and showing television, the pubs do not attract trouble. Current food and drinks menus are at **appendix 1**.

The current layout plans have not changed for decades. The Premises is over five floors with the layout as follows:

- Basement - Back of house with male and female W.Cs
- Ground - Large horseshoe bar with loose furniture
- First Floor- A further bar and dining area
- Second Floor - Kitchen, storage, two staff bedrooms and a staff bathroom
- Third Floor - Two further staff bedrooms, a staff living room, a staff bathroom and a staff kitchen

Unusually for central London there is spacious staff accommodation. Pictures of the public areas are at appendix 2.

The Application

This is a relatively simple application to extend the hours for opening and licensable activity until the Core Hours (as defined in the Statement of Licensing Policy). The Applicant rarely seeks to amend its licences. However, with the country's current economic issues and patrons attending the Premises less often, but wishing to stay later, it considers that it necessary to seek to extend the hours from the old on-licence hours prescribed by the Licensing Act 1964.

Given that the existing licence conditions are virtually non-existent, thirteen model conditions have been proffered to ensure that the premises licence better upholds the four licensing objectives.

Representations from Local Resident and [REDACTED]

The concerns raised by a local resident and the [REDACTED] and the Applicant's comments are as follows:

General Concerns with crime rates and noise disturbance in Soho

The Applicant accepts that there is anti-social behaviour in Soho. However, it does not accept that its patrons are adding to it. The Applicant's offer is simply not attractive to a 'party going' crowd that could be a focus for drug dealers and pedicabs. Instead, it is one of the few traditional pubs left in Soho where friends and family can go for a drink or a meal in a comfortable, quiet, environment which is conducive to conversation. In other words, a moderating influence on the large number of late-night, vertical drinking establishments which offer loud music and drinks promotions. Tellingly, for as long as management can remember, there has been no reason to call the Metropolitan Police in respect of any patrons behaving badly, nor have there been any visits from other WCC officers.

The new conditions proffered will ensure that this remains the case and the Applicant has developed a Dispersal Policy (a draft of which is at appendix 3). The Applicant is happy to adopt the appropriate model condition, namely:

- A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

Cumulative Impact

Before making this application, the Statement of Licensing Policy was considered. There is no policy to refuse applications to vary the existing licensed hours for public houses within the Core Hours, as is being proposed. It goes on to say that such applications 'will generally be granted' subject to meeting the policies relating to the four licensing objectives, the delivery of alcohol policy (which is not relevant to this application) and to meeting the definition of a public house (which is not in question).

Regarding the four licensing objectives, the Applicant suggests that public safety is not a relevant concern and, with no adult entertainment, nor evidence of underage sales, neither is the protection of children from harm objective. This leaves the prevention of crime and disorder and public nuisance.

The risk of crime and disorder has been addressed above. Put simply, there is no suggestion that the Premises is currently adding to the crime and disorder issues in Soho, nor is there any evidence that a modest increase in hours within Core will see this change. Regarding the prevention of public nuisance, there is no representation from the 'independent experts', namely Environmental Health. This is not surprising as, with no music and modern extraction there have been no complaints in respect of noise, vibration or smells. Furthermore, the Applicant is seeking to reduce the hours patrons are permitted to drink outside.

The Applicant would therefore submit that the requirements of the Statement of Licensing Policy are met.

Representation from the Metropolitan Police

The Applicant is prepared to reduce the hours sought for the sale of alcohol by 30 minutes to allow for a 30-minute drinking up period as recommend by PC Steve Muldoon.

Financial Considerations

Whilst the Applicant has a long history, it is not immune to financial pressures. Whilst Soho might appear busy, especially in the last two months, takings are down considerably and patrons are coming out later. Utility and staffing costs have also increased significantly, whilst the move to hybrid working for most offices in the area, means that volumes of trade on Fridays have decreased. These economic factors can properly be considered in a licensing determination. In R (o/a/o Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others [2011] EWCA Civ 31, the Court of Appeal (per Toulson LJ) observed that [at 42]:

'Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.'

Conclusion

The Premises is one of relatively few pubs in the West End which has not already got a premises licence with Core Hours. Nevertheless, it has an excellent reputation and, with its commitment to traditional values, this is not set to change. There are no issues raised with the operation of the Premises itself. It is noted that no further conditions have been suggested but the Applicant would, of course, consider any suggestions made. Should anyone wish to discuss matters further prior to the licensing sub-committee hearing the writer can be contacted at [REDACTED]

Niall McCann
Partner, Keystone Law

APPENDIX 1 - FOOD MENU

MENU

House Olives (kcal 140) v 4.50 | Smokehouse Bar Nuts (Kcal 483) v 4.25 | Chilli & Lime Cashews & Peanuts (Kcal 439) v 3.95

Fiery Chilli Rice Crackers (Kcal 234) v 3.95 | Roasted Shell on Pistachio Nuts (Kcal 256) v 4.25

BAR SNACKS & SHARING 3 for 18.95 5 for 29.95

Chopped Sausages, Honey & Mustard Glaze (kcal 464) 6.95

BBQ Chilli Wings (Kcal 604/1208) 6.95/10.95

Hand Battered Fish Finger Bites with Jalapeno Tartare Sauce (kcal 572) 7.95

Halloumi Fries, Spicy Harissa Yoghurt (kcal 692) v 7.25

Garlic Bread 3.95 (kcal 334) with cheese (kcal 497) 4.95

Hunters Chicken Chunky Chips with Melted Cheese, Crispy Bacon crumb and BBQ Sauce (kcal 710) 6.50

Loaded Nachos. Crushed Avocado, Cheese Sauce, Sour Cream, Tomato Salsa, Jalapenos v (kcal 555/1110) v 7.25 / 11.50

MAINS & PUB CLASSICS

Bangers & Mash with Rich Onion Gravy and Onion Rings (kcal 993/ 1197) 12.95 / 14.95

Traditional Hand Battered Fish & Chips, Tartare Sauce, Mushy Peas (kcal 1394) 15.50

Whitby Bay Whole Tail Scampi, Tartare Sauce, Chips and Mushy Peas (kcal 725) 13.95

The Big Catch, Hand Battered Fish Goujons & Whitby Bay Scampi, Chips, Tartare Sauce, Mushy Peas (Kcal 1467) 15.95

Samuel Smiths Steak and Ale pie, Creamy Mash, Buttered Carrots, Gravy (kcal 1012) 14.50

Mac & Cheese with Three Cheese, *Stilton, Cheddar & Brie*, Green Salad and Garlic Bread (kcal 1036) v 12.50

Smoky Three Bean chilli, Rice, Crushed Avocado, Nachos and Pico de Gallo Salsa (kcal 785) ve 12.95

Grilled Half Chicken & Chips, Rich Chicken Gravy & Aioli, Finished with BBQ Chilli Glaze (kcal 1061) 14.50

Caesar Salad. Cos Lettuce, Anchovy, Crispy Croutons and Parmesan (kcal 381) 10.95

add grilled chicken (kcal 100) or halloumi (Kcal 329) to your salad 3.50 each, also you could add bacon (Kcal 256) for 1.25

SIDES & EXTRAS

Chips (kcal 318) 5.00 | Sweet Potato Fries (Kcal 310) 6.00 | Onion Rings (kcal 388) 4.00 | Mushy Peas (kcal 74) 2.50

Garden Peas (Kcal 60) 2.50 | Green Leaf Salad (kcal 38) 3.95 | Buttered Carrots (kcal 71) 3.95

BURGERS

All served on a toasted bun with lettuce, tomato, onion, dill gherkin. Served with green leaf salad or chips,

Classic Burger, Burger Sauce (kcal 501/781) 13.95

BBQ Bacon & Cheese Burger, Burger Sauce (kcal 791/1071) 15.00

Fried Chicken Burger, Sriracha Mayonnaise (kcal 612/892) 13.95

Plant Based Burger, Vegan Mayonnaise (kcal 648/928) ve 13.95

Fried Fish Finger Burger, Jalapeño Tartare Sauce (Kcal 620/886) 13.95

Extras

Add a Fried Egg, Onion rings, Cheddar Cheese or Bacon to your burger for 1.25 each.

Why not upgrade to sweet potato fries for 1.00

Allergen information. We can provide information on allergens in our food. Please ask a member of staff, however as our food is prepared in a kitchen where various allergens are handled, we cannot guarantee that any dishes are completely allergen free. Our meat, fish and chicken may contain bones

Adults need around 2000 Kcal a day

LDN 8

MENU

SANDWICHES

Available Lunchtimes only between 12.00 and 3.00 pm

All served with green leaf salad or chips - upgrade to sweet potato fries for 1.00

Sausage Sandwich with Caramelized Red Onion and English Mustard (kcal 831/1117) 8.95

Grilled Chicken Club Sandwich with Crushed Avocado, Bacon, Tomato, Lettuce, Siracha Mayo (kcal1049/1335) 11.50

Hunters Chicken & Bacon Ciabatta Sandwich with Grilled Cheese and BBQ Chilli Sauce (kcal1057/1374) 11.95

Grilled Three Cheese and Cured Tomato Ciabatta Sandwich (kcal 796/1114) v 8.95 *add bacon (Kcal 256) 1.25*

Brie & Pear Chutney Sandwich with Tomato and Lettuce (kcal 591/909) v 8.50 *add bacon (Kcal 256) 1.25*

DESSERTS AND CHEESE

Vanilla Cheesecake, Berry Sauce (kcal 474) v 6.50

Chocolate & Salted Caramel Fondant Pudding, Raspberry Sauce, Vanilla Ice Cream (kcal 614) v 6.50

Sticky Toffee Pudding, Vanilla Ice Cream (kcal 503) v 6.95

Chocolate Brownie, Chocolate Fudge Sauce, Vanilla Ice Cream (kcal 743) v 6.50

Bramley Apple & Blackberry Crumble, Custard (kcal 503) v 6.95

Ice Creams. *Please ask your server for today's choice of dairy and non-dairy flavours* (kcal 246) 5.50

Cheese Plate, Pear Chutney, Oat Biscuits (kcal 650) 7.50

COFFEE AND TEAS

Latte (kcal 75) 2.95

Espresso 2.80

Cappuccino (kcal 32) 2.95

Americano 2.80

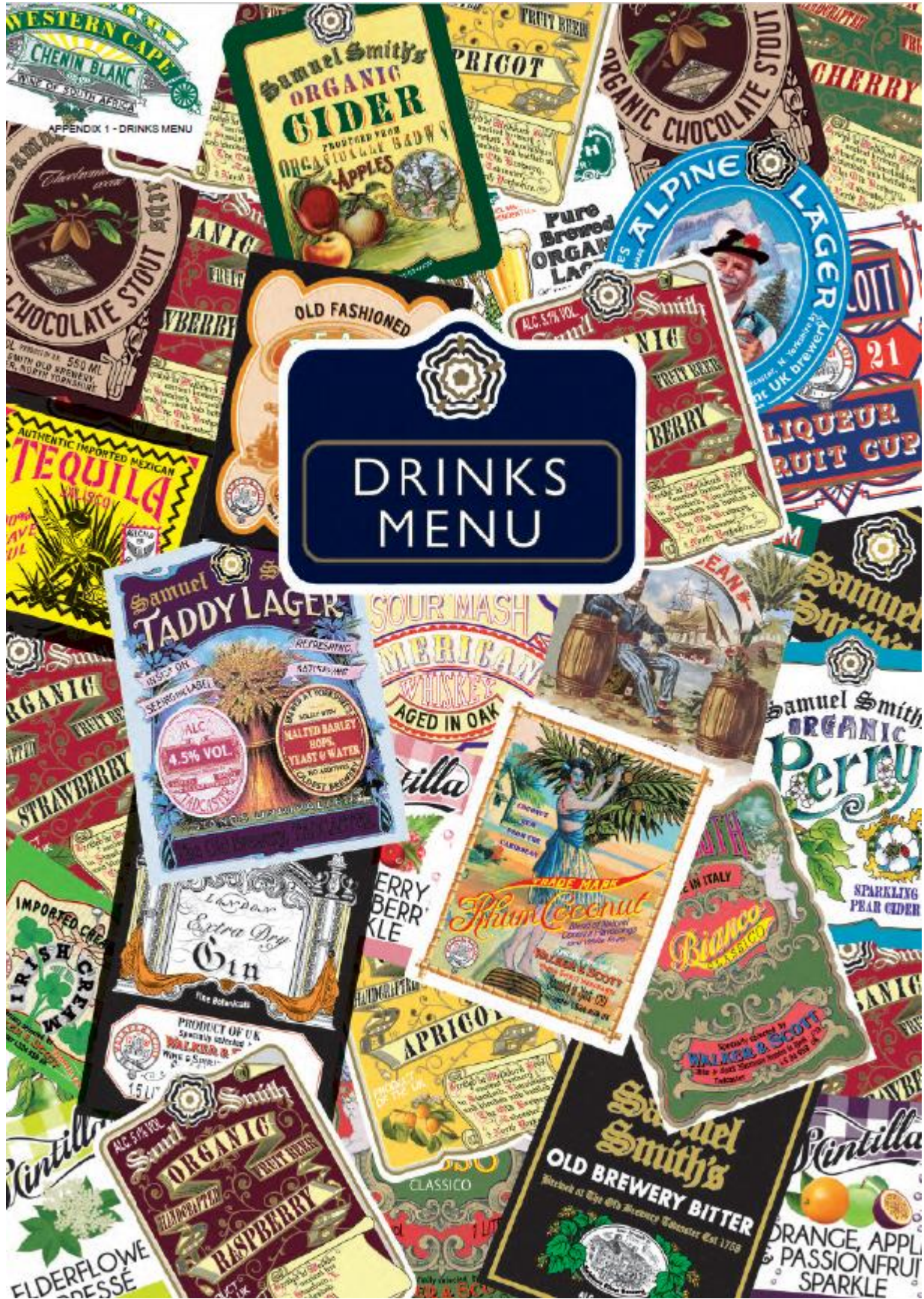
Teas 2.95 *please ask about our flavours*

Fair Trade Hot Chocolate (kcal 394) 3.95

Allergen information. We can provide information on allergens in our food. Please ask a member of staff, however as our food is prepared in a kitchen where various allergens are handled, we cannot guarantee that any dishes are completely allergen free. Our meat, fish and chicken may contain bones

Adults need around 2000 Kcal a day

LDN 8



COCKTAILS



LIQUEURS & APERITIFS

Walker & Scott Wine & Spirits Merchants was founded in York in 1721, before being purchased by local brewer Samuel Smith's in 1956.

Remaining true to its original principles, Walker & Scott's specially selects the highest quality wines and spirits from around the world, all of which are produced by first class independent suppliers.



OLD FASHIONED PEACH SCHNAPPS

An infusion of natural fruit with the finest spirit, distilled and blended in France by one of the world's most eminent fruit liqueur producers.



RHUM COCONUT

A blend of natural coconut flavourings and white rum from the Caribbean.



SONG OF THE SOUTH

A tasty American whisky liqueur recalling the halcyon days of the Deep South, when show boats served up local whisky seasoned with fresh fruit.



IRISH CREAM LIQUEUR

Hailing from County Tipperary, usually served 'on the rocks'.



DRAUGHT BEERS & CIDER

ORGANIC WHEAT BEER

An unfiltered organic wheat beer with a champagne-like effervescence and well defined citrus aroma.



5.0% A.B.V

PURE BREWED ORGANIC LAGER

Brewed with great care using only organic malted barley, organic hops, medium-soft water and a bottom-fermenting yeast; matured at low temperatures to bring out its delicate flavour and soft hop-character finish.



5.0% A.B.V

EXTRA STOUT

Dark malts are used to produce a refreshing, smooth and creamy stout with a delicate malt aroma.



4.5% A.B.V

DOUBLE FOUR LAGER

Double fermented to achieve a clean tasting, well balanced, refreshing lager with a drier finish, brewed from the four natural ingredients of malted barley, hops, yeast and water and four per cent ABV.



4.0% A.B.V

OLD BREWERY BITTER

Fermented in stone Yorkshire squares to create a full bodied malty beer of unique character. Either served from an oak cask or on keg. Where served from an oak cask, we go to great lengths to make sure that the beer is fresh; it is delivered to the pub just twenty-four hours after the cask is filled at the brewery.



4.0% A.B.V

TADDY LAGER

A high quality, full flavoured lager brewed using distinctive low bitterness aroma hops and a yeast strain different to our other lagers, giving tropical fruit scents with a bouquet of mango and pineapple.



4.5% A.B.V



The cooperage at the Old Brewery.

ALPINE LAGER

2.8% beer pays half the excise duty, we pass the saving onto the customer to give excellent value for money in what is a lager of remarkable quality.



2.8% A.B.V

SOVEREIGN BITTER

A pale coloured beer with a delicate flavour and a pleasant floral aroma - satisfying, refreshing and easy to drink.



4.1% A.B.V

CIDER RESERVE

Made using two different apple types to create an excellent medium dry cider with a clean, fresh palate and a well defined appley character.



5.2% A.B.V

Naturally gluten free.

BOTTLED BEERS



NUT BROWN ALE

Best barley malt, yeast and aromatic hops; fermented in 'stone Yorkshire squares' to create a relatively dry ale with rich nutty colour and a palate of beech nuts, almonds and walnuts.

5.0% A.B.V. 355ml



TADDY PORTER

Dark, full in body and packed with the intense dry flavour of roasted barley.

5.0% A.B.V. 355ml



YORKSHIRE STINGO

A strong ale which we age in our own oak barrels in the brewery cellars. The result is a beer with deep flavours of toffee, raisin and soft oak notes.

LIMITED AVAILABILITY

8-9% A.B.V. 555ml



OATMEAL STOUT

Fermented in 'stone Yorkshire squares' to create an almost opaque, wonderfully silky and smooth textured ale with a complex medium dry palate and bittersweet finish.

5.0% A.B.V. 355ml



IMPERIAL STOUT

This distinctive type of beer was originally brewed to withstand the abuses of shipping to Imperial Russia in foul weather. It was a favourite of Russian nobility, whose taste for the finest food and drink was world famous.

A rich flavourful brew, it is deep chocolate in colour with a roasted barley nose and flavour that is a complexity of malt, hops, alcohol and yeast. Fermented in 'stone Yorkshire squares'.

7.0% A.B.V. 355ml



ORGANIC CHOCOLATE STOUT

The perfect marriage of rich and delicious organic cocoa with the dry and rounded flavour of roasted malt.

5.0% A.B.V. 355ml



All Samuel Smith's ales and stouts (except Sovereign and Extra Stout) are fermented in 'stone Yorkshire squares' - fermenting vessels made of solid slabs of slate which give the beers a characteristic full bodied taste. The same strain of yeast has been used since the 19th century.



ORGANIC PALE ALE

A classic malt-accented, copper-coloured pale ale in which subtle fruity esters from our yeast strain interact with dry caramel flavours.

5.0% A.B.V. 355ml



ORGANIC FRUIT BEERS



CHERRY FRUIT BEER

5.1% A.B.V 355ml



STRAWBERRY FRUIT BEER

5.1% A.B.V 355ml



RASPBERRY FRUIT BEER

5.1% A.B.V 355ml



APRICOT FRUIT BEER

5.1% A.B.V 355ml



We brew four delicious beers using organic fruits. A base strong beer is brewed at Melbourn Brothers Brewery in Stamford, Lincolnshire, before it is brought up to the Old Brewery, Tadcaster, where it is blended with four different organic fruit juices. The result is four beers bursting with fresh fruit flavours, balanced with the hint of sourness from the base beer.

ORGANIC CIDER & PERRY



ORGANIC CIDER

A medium dry cider with brilliant straw colour, light body, clean apple flavour and a gentle apple blossom finish.



NATURALLY
GLUTEN FREE.

5.0% A.B.V 355ml

ORGANIC PERRY

A dry, sparkling pear cider with glowing pale straw colour, smooth body, crisp but rich flavour and the gentle aroma of a summer pear orchard.



NATURALLY
GLUTEN FREE.

5.0% A.B.V 355ml

SPIRITS

AUTHENTIC MEXICAN TEQUILA

Produced by one of the twelve main tequila producers in the Jalisco region of Mexico.



EXTRA PREMIUM ALL GRAIN VODKA

Distilled to the highest standards using grain spirit to give a delicate and distinctive palate.



RASPBERRY GIN

A luscious raspberry gin made with pure grain spirit, natural flavours and fine botanicals.



LONDON EXTRA DRY GIN

A true London-distilled gin made from grain spirit, juniper berry oil and aromatic roots are added during distillation to impart a distinctive character.



SPECIAL DARK RUM

Dark, rich and on fire like the sunsets in the Isles of the Caribbean, the rum contains a good portion of aged dark rum.



CARIBBEAN SUPERIOR WHITE RUM

Lazy days in the sun with little to do? Time for a rum drink - distilled and blended in the Caribbean.



SPICED RUM

Smooth, deep and with the perfect spiced seasoning to cut through and deliver a flawless taste of the Caribbean. Mix it, or just on ice.



SOUR MASH AMERICAN WHISKY

Made from rye grain and aged in white oak casks, sour mash is an oxymoron because it actually produces the richness and sweetness that makes it a world classic.



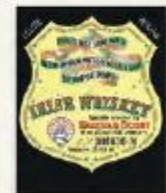
FINEST OLD BLENDED SCOTCH WHISKY

Produced using a substantial percentage of single malt whisky, the high malt content makes it rich and very smooth with a warming finish - but not overly peaty.



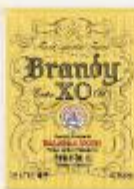
IRISH WHISKY

Made from famous Irish spring water and superior malted barley, aged in American white oak bourbon casks.



FINEST FRENCH BRANDY X.O.

A blend of the finest X.O. brandies aged in oak barrels for between three and five years.



JULES DURET COGNAC VSOP

Only the finest cognacs, aged in Limousin oak casks, have been combined skilfully and subtly to create this pale, smooth and delicate VSOP



WINES

Walker & Scott's wines are single grape varieties and are produced in the designated regions of their countries of origin.



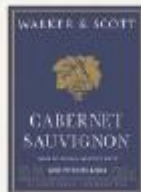
FINE RUBY PORT

PORTUGAL
Our house port has youthful red and black fruit flavours and a robust finish.



CABERNET SAUVIGNON

Valle del Maipo, Chile - intense colour, clean dark fruits nose and palate with a hint of oak.



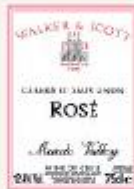
CHENIN BLANC

Western Cape, South Africa - relatively dry with a fresh vibrant zingy palate and lively fruit.



ROSÉ

Valle del Maipo, Chile - pale dry rosé with a delicate soft fruits nose.



SPARKLING WHITE WINE

Pale, Brilliant yellow colour, fruity in nose with intense floral notes. Creamy taste with a fresh sweetness level.



All Samuel Smith's beers are brewed solely from: Authentic natural ingredients without chemicals, additives, raw material adjuncts, artificial sweeteners, colourings, flavours or preservatives

Samuel Smith's was the first brewery to register with the Vegan Society. All our beers and ciders are suitable for a vegan diet

(except Old Brewery Bitter where served from the wood and Yorkshire Sings which contain traces of isinglass finings).



SAMUEL SMITH

The Old Brewery
High Street, Tadcaster,
North Yorkshire, LS24 9SB
UNITED KINGDOM

01937 832225

www.samuelsmithbrewery.co.uk
sales@samuelsmithbrewery.co.uk

SOFT DRINKS AND NON ALCOHOLIC



We are proud to produce our own range of delicious soft drinks at the Old Brewery, Tadcaster. These are all made from authentic natural ingredients and are suitable for a vegan diet.

(Except for Tomato Juice Cocktail which contains anchovies)



APPENDIX 2 – PHOTOGRAPHS OF PUBLIC AREAS







APPENDIX 3 - DISPERSAL POLICY

DISPERSAL POLICY

JOHN SNOW, 39 BROADWICK STREET, LONDON W1F 9QJ

At 10.45pm all patrons standing outside shall be told that they must return inside.

At 10.55pm all patrons standing outside shall be told that they must return inside immediately.

Every 15 minutes after 11pm a Team Member will ensure that no patrons are standing outside. Any that are will be told that they must return inside immediately.

At 11.20pm the bell will be rung to indicate that any last orders are to be placed at the bar.

At 11.30pm the bell will be rung again to indicate that the bar is now closed.

At 11.40pm all customers will be informed that they need to finish their drinks as soon as possible.

At 11.50pm any remaining customers will be told to leave immediately.

At midnight the doors will be locked.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/05573/LIPC	Conversion Licence	27 August 2005	Granted under Delegated Authority
06/00190/LIPDPS	Premises Licence – Vary DPS	12 January 2006	Granted under Delegated Authority
06/01329/LIPDPS	Premises Licence – Vary DPS	27 February 2006	Granted under Delegated Authority
06/04203/WCCMAP	Master Licence – Late Night Refreshment – Monday to Saturday 23:00 to 23:30 Retail Sale of Alcohol – Monday to Saturday 10:00 to 23:00 Sunday 12:00 to 22:30	27 August 2005	Granted under Delegated Authority
09/02789/LIPDPS	Premises Licence – Vary DPS	22 April 2009	Granted under Delegated Authority
10/00318/LIPT	Transfer Premises Licence Holder from Mr Cornelius Christopher Scully to Mr Thomas Jeffrey Paget	16 March 2010	Granted under Delegated Authority
10/03152/LIPDPS	Premises Licence – Vary DPS	15 June 2010	Granted under Delegated Authority
10/09431/LIPDPS	Premises Licence – Vary DPS	15 December 2010	Granted under Delegated Authority
15/06020/LIPCH	Premises Licence – Change of Licence Holder Details	23 July 2015	Granted under Delegated Authority
17/03559/LIDPSR	Premises Licence – Removal of DPS	3 May 2017	Granted under Delegated Authority
17/03779/LIPDPS	Premises Licence – Vary DPS	3 May 2017	Granted under Delegated Authority

17/07383/LIPT	Transfer Premises Licence Holder from Mr Thomas Jeffrey Paget to Samuel Smith (Southern)	22 November 2017	Granted under Delegated Authority
17/07385/LIPDPS	Premises Licence – Vary DPS	22 November 2017	Granted under Delegated Authority
18/05307/LIPT	Transfer Premises Licence Holder from Samuel Smith (Southern) to Samuel Smith Southern	12 June 2018	Granted under Delegated Authority
18/05402/LIPDPS	Premises Licence – Vary DPS	25 July 2018	Granted under Delegated Authority

There is no appeal history

There has been no 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.

The applicant has proposed to delete condition 9 to 11 from the operating schedule of the licence.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

Conditions related to the Sale of Alcohol

9. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
- (c) On Good Friday, 12:00 to 22:30
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.

(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

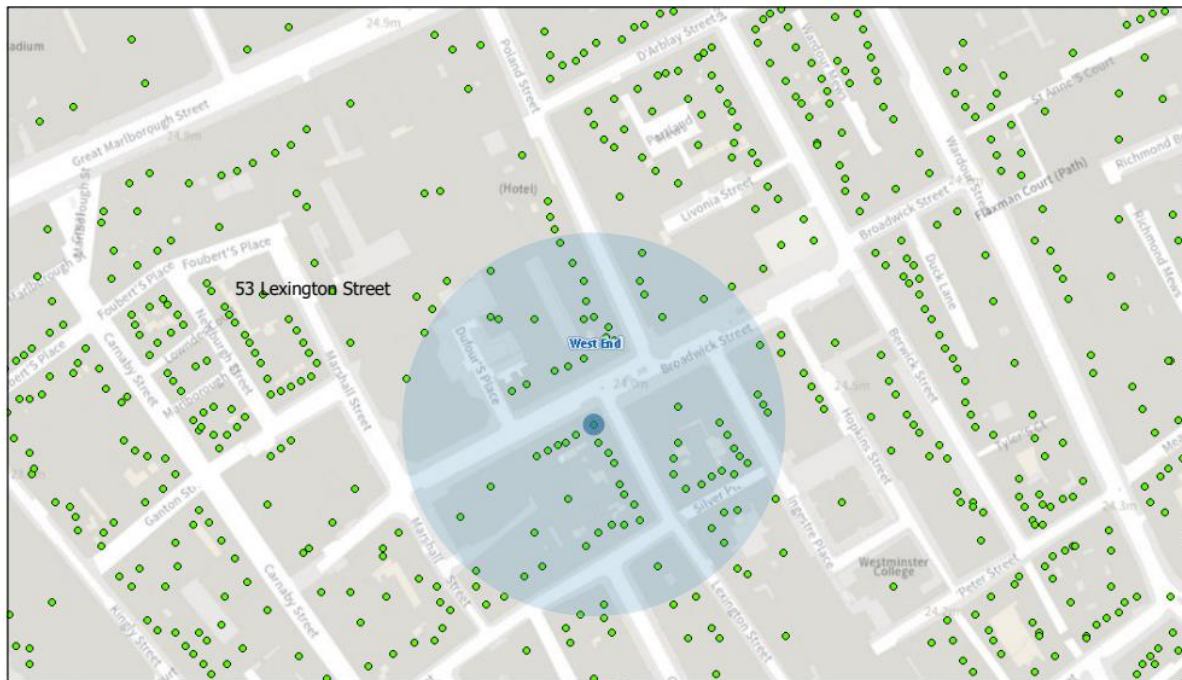
None

Applicant proposes to add the below conditions to the operating schedule

12. (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.
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 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.
14. 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.
15. No drinks to be taken outside after 23.00 hours.
16. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

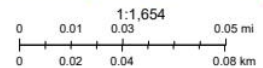
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
22. 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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
23. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
24. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

39 Broadwick Street, London



21/06/2023, 08:48:47

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



Resident Count = 175

Licensed premises within 75 metres of 39 Broadwick Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/03539/LIPDPS	Bao	53 Lexington Street London W1F 9AS	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
15/02234/LIPN	Said London	41 Broadwick Street London W1F 9QL	Shop	Sunday; 08:00 - 22:30 Monday to Saturday; 08:00 - 23:00
13/09832/LIPDPS	Central Convenience Store	43 Broadwick Street London W1F 9QN	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
23/03366/LIPRW	Not Recorded	Basement And Ground Floor 49 Lexington Street London W1F 9AP	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 New Year's Eve; 00:00 - 00:00

22/11837/LIPDPS	Mildreds Restaurant	45 Lexington Street London W1F 9AN	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
22/10808/LIPDPS	Andrew Edmunds	Basement And Ground Floor 46 Lexington Street London W1F 0LP	Wine bar	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
22/10809/LIPDPS	Academy Club	First Floor Front 46 Lexington Street London W1F 0LP	Wine bar	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
21/03989/LIPDPS	Not Recorded	Basement West 33 Broadwick Street London W1F 0DQ	Miscellaneous	Monday to Sunday; 00:00 - 00:00
22/04981/LIPCH	Itsu	31 Broadwick Street London W1F 0DG	Restaurant	Monday to Sunday; 09:00 - 21:30
22/11763/LIPVM	Tapas Brindisa Soho	46 Broadwick Street London W1F 7AF	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; 10:00 - 00:30
21/08299/LIPT	Star & Garter	62 Poland Street London W1F 7NX	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
21/07109/LIPCH	Coqfighter	Basement And Ground Floor 75 Beak Street London W1F 9SS	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/03015/LIPDPS	Inko Nito	55 Broadwick Street London W1F 9QS	Restaurant	Sunday; 07:30 - 23:00 Monday to Saturday; 07:30 - 00:30
21/02909/LIPN	(Shadow Licence)	61 Poland Street London W1F 7NU	Night clubs and discos	Sunday; 09:00 - 02:00 Monday to Saturday; 09:00 - 03:30

23/02785/LIPT	Milk And Honey	61 Poland Street London W1F 7NU	Night clubs and discos	Sunday; 09:00 - 02:00 Monday to Saturday; 09:00 - 03:30 Sundays before Bank Holidays; 09:00 - 03:30
20/08983/LIPT	Not Recorded	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
20/08982/LIPT	Kazu Restaurants 1 Limited	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
14/00083/LIPDPS	Social Eating House	58 Poland Street London W1F 7NR	Restaurant	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:00
20/11111/LIPN	Not Recorded	58-59 Poland Street London W1F 7NR	Restaurant	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
17/00898/LIPN	The Quaich Whisky Shop	34 Lexington Street London	Shop	Sunday; 09:00 - 21:00 Monday to Saturday; 08:00 - 22:00
16/12033/LIPN	The Lexington	34 Lexington Street London	Hotel, 4+ star or major chain	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
20/11419/LIPCH	Sun & Thirteen Cantons	21 Great Pulteney Street London W1F 9NG	Pub or pub restaurant with lodge	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 23:30 Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
21/06782/LIPT	Third Man	1 Marshall Street	Shop	Sunday; 10:00 -

	Records	London W1F 9BA		21:00 Monday to Saturday; 08:00 - 21:00
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