



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 14th November, 2019**

Time: **10.00 am**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Karen Scarborough (Chairman)  
Rita Begum  
Susie Burbridge

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

**AGENDA**

**PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership.

**2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

**Licensing Applications for Determination**

**1. 1 IRVING STREET, LONDON, WC2H 7AT**

**(Pages 1 - 24)**

| App No | Ward / Cumulative Impact Area                    | Site Name and Address           | App Type             | Licensing Ref No. |
|--------|--|---------------------------------|----------------------|-------------------|
| 1.     | St James's Ward /West End Cumulative Impact Area | 1 Irving Street London WC2H 7AT | New Premises Licence | 19/08807/LIPN     |

**2. THAI THO SOHO, RUPERT STREET, LONDON, W1D 6DP**

**(Pages 25 - 70)**

| App No | Ward / Cumulative Impact Area | Site Name and Address | App Type | Licensing Ref No. |
|--------|-------------------------------|-----------------------|----------|-------------------|
| 2.     | St James's                    | Thai Tho              | Premise  | 19/11416/LIPV     |

|  |   |  |                               |  |
|--|---|--|-------------------------------|--|
|  | Ward /West<br>End<br>Cumulative<br>Impact<br>Area | Soho<br>42 Rupert<br>Street<br>London<br>W1D 6DP | s<br>Licence<br>Variatio<br>n |  |
|--|---|--|-------------------------------|--|

**3. 28A LEICESTER SQUARE, LONDON, WC2H 7LE**

**(Pages 71 -  
108)**

| <u>App<br/>No</u> | Ward /<br>Cumulative<br>Impact<br>Area                          | Site Name<br>and<br>Address                         | App<br>Type                    | Licensing Ref<br>No. |
|-------------------|---|---|--------------------------------|----------------------|
| 3.                | St James's<br>Ward /West<br>End<br>Cumulative<br>Impact<br>Area | 28A<br>Leicester<br>Square<br>London<br>WC2H<br>7LE | New<br>Premise<br>s<br>Licence | 19/09073LIPN         |

**4. BASEMENT, 21 RUPERT STREET, LONDON, W1D 7PJ**

**(Pages 109 -  
156)**

| <u>App<br/>No</u> | Ward /<br>Cumulative<br>Impact<br>Area                          | Site Name<br>and<br>Address                          | App<br>Type                    | Licensing Ref<br>No. |
|-------------------|---|--|--------------------------------|----------------------|
| 4.                | St James's<br>Ward /West<br>End<br>Cumulative<br>Impact<br>Area | Basement<br>21 Rupert<br>Street<br>London<br>W1D 7PJ | New<br>Premise<br>s<br>Licence | 19/09071/LIPN        |

**Stuart Love  
Chief Executive  
8 November 2019**



In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7<sup>th</sup> January 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2016)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight  
Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30  
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00  
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight  
Sundays immediately prior to Bank Holidays: 09.00 to midnight  
Other Sundays: 09.00 to 22.30  
Monday to Thursday: 09.00 to 23.30.

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|                    |   |
|--------------------|---|
| Item No:           |   |
| Date:              | 14 November 2019  |
| Licensing Ref No:  | 19/08807/LIPN - New Premises Licence                            |
| Title of Report:   | 1 Irving Street<br>London<br>WC2H 7AT                           |
| Report of:         | Director of Public Protection and Licensing                     |
| Wards involved:    | St James's  |
| Policy context:    | City of Westminster Statement of Licensing Policy               |
| Financial summary: | None  |
| Report Author:     | Kevin Jackaman<br>Senior Licensing Officer                      |
| Contact details    | Telephone: 020 7641 8094<br>Email: kjackaman@westminster.gov.uk |

## 1. Application

| 1-A Applicant and premises        |  |                                |            |
|-----------------------------------|--|--------------------------------|------------|
| <b>Application Type:</b>          | New Premises Licence, Licensing Act 2003   |                                |            |
| <b>Application received date:</b> | 18 July 2019   |                                |            |
| <b>Applicant:</b>                 | Ahmad Chahine  |                                |            |
| <b>Premises address:</b>          | 1 Irving Street<br>London<br>WC2H 7AT  | <b>Ward:</b>                   | St James's |
|                                   |  | <b>Cumulative Impact Area:</b> | West End   |
| <b>Premises description:</b>      | According to the application form the premises intend to trade as a bistro restaurant  |                                |            |
| <b>Premises licence history:</b>  | This is an application for a new premises licence and therefore has no licence history.  |                                |            |
| <b>Applicant submissions:</b>     | <p>The business will operate as a small bistro with a maximum of 40 covers inside and at the outside tables and chairs. The sale of alcohol will be ancillary to food and full restaurant conditions are offered. The area of the outside tables and chairs is "delineated by red lines" as it is to be included for the sale of alcohol for consumption on the premises."</p> <p>There is no request for off sales. The permitted and opening hours requested are within Westminster council's hours policy HRS1. A full list of robust conditions are offered to promote the licensing objectives and prevent any increase in negative cumulative impact.</p> <p>We submit that taking the above into account the premises can be exempted from the CIZ policy under WCC policy RNT2.</p> <p>Following consultation, the applicant reduced the terminal hour for licensable activities from 23:30 to 23:00 Monday to Thursday, and the start time for the sale of alcohol on a Sunday to 12:00</p> |                                |            |

| 1-B Proposed licensable activities and hours      |            |             |            |                                  |            |            |            |
|---|------------|-------------|------------|----------------------------------|------------|------------|------------|
| <b>Recorded Music:</b>                            |            |             |            | <b>Indoors, outdoors or both</b> |            |            | Indoors    |
| <b>Day:</b>                                       | <b>Mon</b> | <b>Tues</b> | <b>Wed</b> | <b>Thur</b>                      | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
| <b>Start:</b>                                     |            |             |            |                                  | 23:00      | 23:00      |            |
| <b>End:</b>                                       |            |             |            |                                  | 00:00      | 00:00      |            |
| <b>Seasonal variations/ Non-standard timings:</b> |            |             | None       |                                  |            |            |            |

| Late Night Refreshment:                           |            |             |            |                                  |            |            |            |
|---|------------|-------------|------------|----------------------------------|------------|------------|------------|
| <b>Late Night Refreshment:</b>                    |            |             |            | <b>Indoors, outdoors or both</b> |            |            | Indoors    |
| <b>Day:</b>                                       | <b>Mon</b> | <b>Tues</b> | <b>Wed</b> | <b>Thur</b>                      | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
| <b>Start:</b>                                     |            |             |            |                                  | 23:00      | 23:00      |            |
| <b>End:</b>                                       |            |             |            |                                  | 00:00      | 00:00      |            |
| <b>Seasonal variations/ Non-standard timings:</b> |            |             | None       |                                  |            |            |            |



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

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

## 2. Representations

| 2-A Responsible Authorities   |                     |                        |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
|---|---------------------|------------------------|---------------------|---------------|--|---------------------|---------------|--------------------------------|---------------------|---------------|--|---------------------|---------------|---|---------------------|---------------|--|---------------------|---------------|--|---------|---------------|----------------------|---------------------|---------------|
| <b>Responsible Authority:</b>   | Licensing Authority |                        |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
| <b>Representative:</b>  | Angela Seaward      |                        |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
| <b>Received:</b>  | 19 August 2019      |                        |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
| <p>I write in relation to the application submitted for a new premises licence for 1 Irving Street, London, WC2H 7AT</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority has considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of Children from harm</li> </ul> <p>The application seeks the following Licensable Activities:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><b>Recorded Music:</b></td> <td style="width: 30%;">Monday to Thursday:</td> <td style="width: 40%;">23:00 – 23:30</td> </tr> <tr> <td></td> <td>Friday to Saturday:</td> <td>23:00 – 00:00</td> </tr> <tr> <td><b>Late Night Refreshment:</b></td> <td>Monday to Thursday:</td> <td>23:00 – 23:30</td> </tr> <tr> <td></td> <td>Friday to Saturday:</td> <td>23:00 – 00:00</td> </tr> <tr> <td><b>Retail by Sale of Alcohol On and off the premises:</b></td> <td>Monday to Thursday:</td> <td>10:00 – 23:30</td> </tr> <tr> <td></td> <td>Friday to Saturday:</td> <td>10:00 – 00:00</td> </tr> <tr> <td></td> <td>Sunday:</td> <td>10:00 – 22:30</td> </tr> <tr> <td><b>Opening Hours</b></td> <td>Monday to Thursday:</td> <td>08:00 – 23:30</td> </tr> </table> |                     | <b>Recorded Music:</b> | Monday to Thursday: | 23:00 – 23:30 |  | Friday to Saturday: | 23:00 – 00:00 | <b>Late Night Refreshment:</b> | Monday to Thursday: | 23:00 – 23:30 |  | Friday to Saturday: | 23:00 – 00:00 | <b>Retail by Sale of Alcohol On and off the premises:</b> | Monday to Thursday: | 10:00 – 23:30 |  | Friday to Saturday: | 10:00 – 00:00 |  | Sunday: | 10:00 – 22:30 | <b>Opening Hours</b> | Monday to Thursday: | 08:00 – 23:30 |
| <b>Recorded Music:</b>  | Monday to Thursday: | 23:00 – 23:30          |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
|   | Friday to Saturday: | 23:00 – 00:00          |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
| <b>Late Night Refreshment:</b>  | Monday to Thursday: | 23:00 – 23:30          |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
|   | Friday to Saturday: | 23:00 – 00:00          |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
| <b>Retail by Sale of Alcohol On and off the premises:</b>   | Monday to Thursday: | 10:00 – 23:30          |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
|   | Friday to Saturday: | 10:00 – 00:00          |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
|   | Sunday:             | 10:00 – 22:30          |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |
| <b>Opening Hours</b>  | Monday to Thursday: | 08:00 – 23:30          |                     |               |  |                     |               |                                |                     |               |  |                     |               |   |                     |               |  |                     |               |  |         |               |                      |                     |               |

Friday to Saturday: 08:00 – 00:30  
Sunday: 08:00 – 22:30

At present, the hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises, Westminster's core hours are as follows:

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

The Licensing Authority would encourage the applicant to consider reducing the Sunday commencement hours for licensable activities to be in line with those of Westminster's Core Hours Policy, HRS1. It is also noted that unlike Friday to Saturday there is no drink up time allocated for Sunday to Thursday. Paragraph 2.3.6 of the Council's statement of licensing policy states the licensing authority will consider closing times and appropriate conditions. The benefits of "winding down" periods are very widely recognised as helping to reduce crime and disorder and public nuisance. Could you advise me how the premises proposes to manage the terminal hour for licensable activities from Sunday to Thursday nights bearing in mind in that in its current form all customers would have to be off the premises at the same time as purchasing alcohol.

The application proposes to operate the premises as a restaurant, therefore in order to be fully compliant with RNT2 of which it is policy to grant applications subject to other policies. The Licensing Authority would propose model condition Model Condition 66, which reads.

*The premises shall only operate as a restaurant*

- (i) in which customers are shown to their table,*
- (ii) where the supply of alcohol is by waiter or waitress service only,*
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*
- (iv) which do not provide any take away service of food or drink for immediate consumption,*
- (v) which do not provide any take away service of food or drink after 23.00, and*
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

*Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.*

Please accept this as a formal representation and I look forward to receiving any further submissions.

|                               |  |
|-------------------------------|--|
| <b>Responsible Authority:</b> | Metropolitan Police Service ( <b>withdrawn</b> ) |
| <b>Representative:</b>        | Adam Deweltz                                     |
| <b>Received:</b>              | 21 August 2019 (withdrawn 3 September 2019)      |

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.

The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

I have been through the operating schedule and note the conditions contained. Police would require the following conditions to be added to the Premises Licence. If these can be agreed, the Police would be in a position to withdraw their representation:

- 1) *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the 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) *The premises shall only operate as a restaurant*
  - (i) *in which customers are shown to their table,*
  - (ii) *where the supply of alcohol is by waiter or waitress service only,*
  - (iii) *which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*
  - (iv) *which do not provide any take away service of food or drink for immediate consumption,*
  - (v) *which do not provide any take away service of food or drink after 23.00, and*
  - (vi) *where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

*Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.*

- 4) *An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:*
  - (a) *all crimes reported to the venue*
  - (b) *all ejections of patrons*
  - (c) *any complaints received concerning crime and disorder*
  - (d) *any incidents of disorder*
  - (e) *all seizures of drugs or offensive weapons*
  - (f) *any faults in the CCTV system*
  - (g) *any refusal of the sale of alcohol*
  - (h) *any visit by a relevant authority or emergency service.*
- 5) *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.*

I am content with all other conditions submitted.

In relation to your hours on Sunday, can you please bring the start time to **12:00** hours to reflect Westminster's Core Hours Policy.

**Following agreement of the conditions proposed, the Metropolitan Police Service withdrew their representation on 3 September 2019**

|  |                      |
|--|----------------------|
| <b>2-B Other Persons</b>   |                      |
| <b>Name:</b>   | ██████████           |
| <b>Address and/or Residents Association:</b>   | ████████████████████ |
| <b>Received:</b>   | 3 September 2019     |
| <p>By this document I object to the grant of the requested Licence for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The existing planning use of the premises is that of a sandwich bar. There is no existing licence to allow alcohol to be purchased or consumed on the premises or within the curtilage of the outside area and which I understand has planning use for 4 tables only and 16 chairs with a restriction for use only by the sandwich bar customers and who primarily are takeaway customers. As I shall explain hereafter the planning use has been breached for a very lengthy period of time by the present applicant</li> <li>2. The Application envisages the joinder of the premises at ! Irving Street with the premises at 2/3 Irving Street and hence full service dining facilities will be provided to the "customers" who are accommodated at number 1 but who will not be purchasing food from No:1. Hence there will be a breach of the existing planning consent in respect of both 1 and 2/3 Irving Street as well as a breach of the existing Licence for 2/3 Irving Street relating to the sale of and consumption of alcohol.</li> <li>3. The proposed use of the toilet facilities at No; 2/3 by customers of No:1 will overload and exhaust the toilet facilities at No: 2/3 and which is a health and safety issue.<br/>No: 2/3 cannot possibly cope with such an overload!</li> <li>4. The proposed sale of alcohol at No:1 is simply not viable. There are no toilet facilities at No: 1 and what is being sought is to turn these premises into a virtual Public House and as there is miniscule interior room for customers and who will congregate outside the premises and spill onto the pavement and obstruct the Irving Street thoroughfare and which is an important conduit between Leicester Square and Charing Cross Road and which ought not to be blocked (see my subsequent comments).</li> <li>5. Since the present Applicant has taken control over No: 1 the premises have effectively ceased to operate as a sandwich bar and have become effectively joined to 2/3 as a visual inspection and the new signage shows. As a result, customers seated at the tables outside No 1 are served meals from the kitchen at 2/3 Irving Street and which itself is in breach of the restricted planning consent at 2/3 and which does not allow full scale cooking at No: 2/3. This planning breach is currently being considered by the Planning Enforcement Officers of Westminster. Complaints have also been made to Westminster concerning the illegal extraction system at No 2/3 and which is creating a nuisance by way of smoke and smell to the whole area. Enforcement letters have been sent to the Applicant but at the date hereof have not been complied with. Westminster have been requested to take enforcements proceedings via the court. Accordingly, the Applicant cannot expect to succeed on tis present Application whilst seriously in breach of existing planning consents and in respect of the Licence at No:2/3.</li> <li>6. Of further concern is the fact that alcohol is being sold in particular at weekends to mainly young and possibly underage customers in the late evening and who congregate [outside No 1 and generally creating a nuisance by their unruly and noisy behaviour. Shisha (and unfortunately cannabis) is in common use in particular at these late hours. No enforcement action has to my knowledge been taken by Westminster to curb or prevent these continuing and ongoing breaches of planning and licencing and which result from the Applicant's continuing breaches.</li> </ol> <p>COMMENTS ON APPLICANT'S PROPOSED CONDITIONS</p> |                      |

#### A) GENERAL

Please see 6 above. The applicant is not running the existing business in a responsible manner and remains in breach of existing planning and licensing regulations

#### CIZ STATEMENT

There is no existing planning consent for use as a "Bistro". There is insufficient space available to allow any business other than a sandwich bar or similar operation. No cooking is allowed at the premises. The Applicant is disingenuous when he makes this assertion.

There is only room outside for 4 tables and 16 chairs. The sale of alcohol should be prohibited at these premises. Alcohol is presently sold from No: 2/3 for consumption "off" the No: 2/3 premises to

customers who are seated at the tables outside No:1 and who then spill out into the street and on drinking mainly in Irving Street/Leicester Square.

#### B) PREVENTION OF CRIME AND DISORDER

1. Westminster are invited to carry out surveillance at No: 1 and No: 2/3 to ascertain the present breaches of planning and licensing. I have no confidence that such condition will be imposed or observed by the Applicant.

2. If alcohol is ordered and not followed up by a meal, then this merely encourages the continuation of what is now taking place at the premises.

3. This is a simple "get out" and invites and encourages "off" sales as there will be no monitoring thereof and will lead to the rowdy behaviour already referred to.

4. Customers will take their alcoholic drinks outside and consume them there and hence this condition is simply not understood if the intention is to allow table sales only.

5. Without a total restriction of the sale of alcohol these "off" sales will not be prevented.

6. The plan does not provide the location of the camera points or the precise areas to be covered by the CCTV images. It also does not indicate any designated point for internal observation/immediate download of the camera images. It is noted that no daily log will be kept.

7. There is no indication of where image storage will be maintained. Ensuring that recordings are being made should be effected on a daily basis by somebody of managerial status. Challenge 25 is not in use at the moment or if it is it is being demonstrably ignored by the Applicant and his staff. Many under-age alcohol drinkers are observed on a regular basis consuming alcohol outside No: 1 in particular at weekends.

8. Noted

9. The display places of these notices are not set out on the plan

#### C) PUBLIC SAFETY

The proposal for 40 covers is imply unmanageable when linked with the non-existence of toilet facilities. This may result in customers having no alternative other than to seek to urinate in public places.

N:1 has insufficient facilities to service 40 customers with food. The emphasis will be in sales of alcohol. The potential obstruction of pedestrians in Irving Street which is a very busy thoroughfare will create potential safety problems.

#### D) PREVENTION OF PUBLIC NUISANCE

1. The grant of a licence to sell alcohol on or off the premises will result in an immediate breach of this condition.
2. This nuisance will take place and as opposed to prevention thereof bearing in mind that the Applicant has already anticipated the situation he will have to confront and is indicating what the cure will be.
- 4
3. There will be a consistent mess throughout licensing hours, and which will spill out into Irving Street. A final sweep at closing indicates the admission of such nuisance.
4. Noted.
5. Noted.
6. This suggest that customers will be inebriated.

**E) PROTECTION OF CHILDREN FROM HARM**

At the moment the Applicant does not discourage underage drinkers who purchase and consume alcohol and who congregate outside the premises and in Irving Street/Leicester Square. The grant of a Licence is unlikely to curb these occurrences but will allow the same to increase

**CONCLUSION**

The grant of a licence to allow alcohol to be sold at these premises either "On" or "Off" or even to be consumed at the premises or outside the premises at the tables and chairs should not be allowed for the reasons set out above.

**3. Policy & Guidance**

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

|                            |   |
|----------------------------|---|
| <b>Policy CP1 applies</b>  | <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>   |
| <b>Policy HRS1 applies</b> | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u><br/> Monday to Thursday: 10:00 to 23:30<br/> Friday and Saturday: 10:00 to midnight<br/> Sundays immediately prior to Bank Holidays: Midday to midnight<br/> Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u><br/> Monday to Thursday: 09:00 to 23.30<br/> Friday and Saturday: 09:00 to midnight<br/> Sundays immediately prior to Bank Holidays: 09:00 to midnight<br/> Other Sundays: 09:00 to 22:30</p> |
| <b>Policy RNT2 applies</b> | <p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas</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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

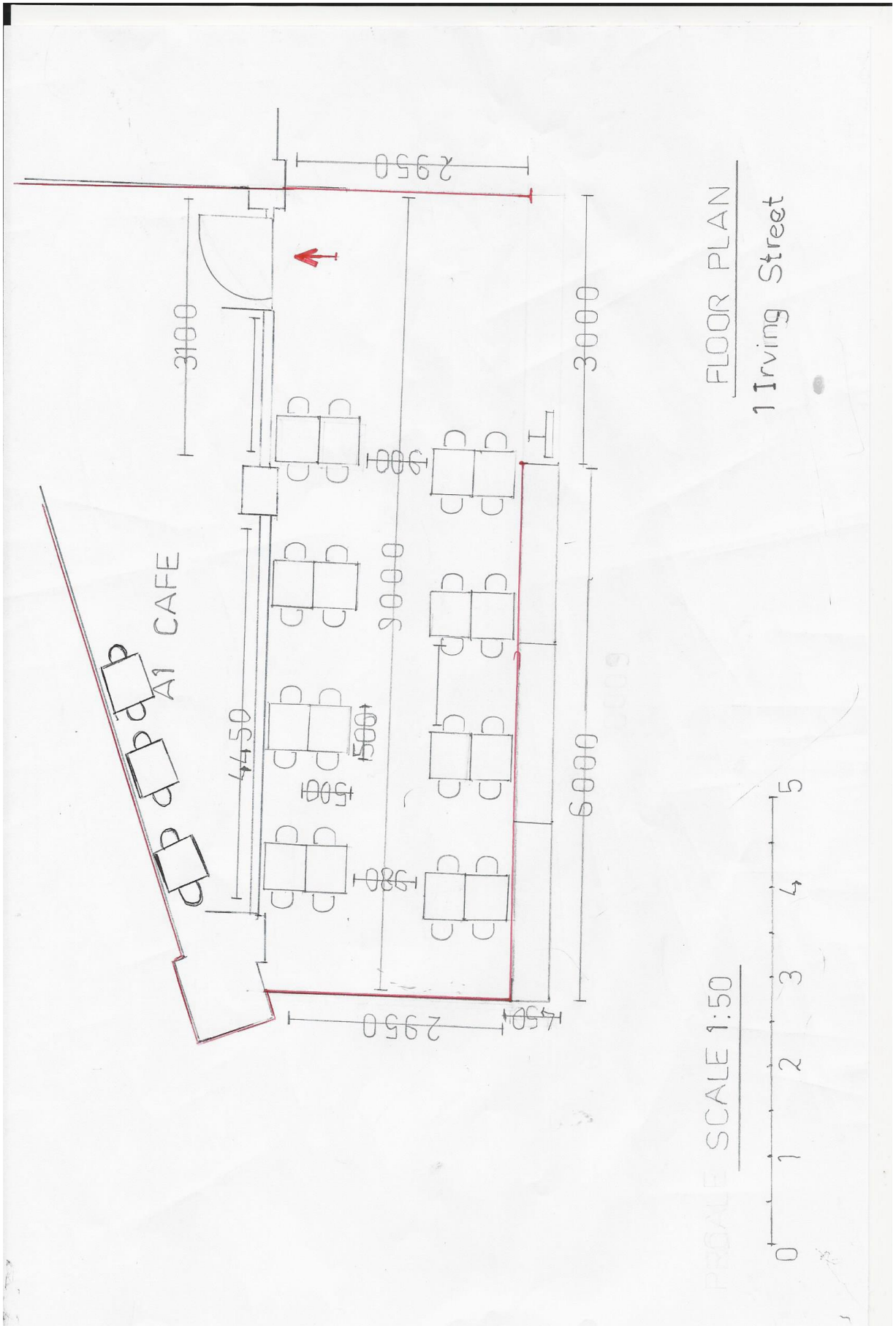
|                   |  |
|-------------------|--|
| <b>Appendix 1</b> | Premises plans                                       |
| <b>Appendix 2</b> | Applicant supporting documents                       |
| <b>Appendix 3</b> | Premises history                                     |
| <b>Appendix 4</b>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

|                       |   |
|-----------------------|---|
| <b>Report author:</b> | Kevin Jackaman<br>Senior Licensing Officer                      |
| <b>Contact:</b>       | Telephone: 020 7641 8094<br>Email: kjackaman@westminster.gov.uk |

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

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

|          |   |  |
|----------|---|--|
| <b>1</b> | Licensing Act 2003  | N/A  |
| <b>2</b> | City of Westminster Statement of Licensing Policy                   | 7 <sup>th</sup> January 2016                   |
| <b>3</b> | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2019                                     |
| <b>4</b> | Licensing Authority Representation                                  | 19 August 2019                                 |
| <b>5</b> | Metropolitan Police Service Representation                          | 21 August 2019<br>(withdrawn 3 September 2019) |
| <b>6</b> | Interested Party Representation                                     | 3 September 2019                               |





**Applicant Supporting Documents**

**Appendix 2**

None submitted

| <b>Application</b>             | <b>Details of Application</b> | <b>Date Determined</b>  | <b>Decision</b>                   |
|--------------------------------|-------------------------------|---|-----------------------------------|
| 19/07404/STTCF                 | Tables and Chairs             | 19.06.2019  | Granted under delegated authority |
| <b>Temporary Event Notices</b> | <b>Date of Event</b>          | <b>Activities/Hours</b>   | <b>Decision</b>                   |
| 19/06369/LITENP                | 07.06.2019 to 09.06.2019      | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/06375/LITENP                | 14.06.2019 to 16.06.2019      | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/06599/LITENP                | 21.06.2019 to 23.06.2019      | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/07012/LITENP                | 05.07.2019 to 06.07.2019      | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/07016/LITENP                | 12.07.2019 to 13.07.2019      | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/06975/LITENP                | 28.06.2019 to 29.06.2019      | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/07300/LITENP                | 19.07.2019 to 20.07.2019      | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/07682/LITENP                | 29.06.2019 to 30.06.2019      | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/09070/LITENP                | 03.08.2019                    | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/09340/LITENP                | 10.08.2019                    | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted                   |
| 19/09666/LITENP                | 17.08.2019                    | Regulated entertainment, Late night refreshment                     | Event permitted                   |

|                 |            |   |                 |
|-----------------|------------|---|-----------------|
|                 |            | and Sale of alcohol   |                 |
| 19/10032/LITENP | 24.08.2019 | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted |
| 19/10366/LITENP | 31.08.2019 | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted |
| 19/10748/LITEN  | 07.09.2019 | Regulated entertainment, Late night refreshment and Sale of alcohol | Event permitted |

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

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

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

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

### **Mandatory Conditions**

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

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Conditions consistent with the operating schedule**

9. The premises will operate strictly as a restaurant with the sale of alcohol only being permitted to customers taking a substantial table meal, seated at a table and with service by waiting staff only.

10. Customers consuming a table meal may be permitted to drink alcohol before, during or after their meal.
11. Customers will be permitted to take home a sealed part consumed bottle of wine.
12. There will be no sale or consumption of alcohol permitted at the bar.
13. Customers collecting a take away meal will not be permitted to buy alcohol.
14. CCTV covering the interior & exterior of the restaurant including the outside tables & chairs will be installed and be kept operational at all times the premises are open to the public. It shall be capable of taking a head & shoulders shot of persons entering the premises, be capable of storing images for a minimum of 31 days and a member of staff trained & capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the police or authorised officers on request.
15. On a minimum daily basis staff shall check that the CCTV system is operational and the date & time print correctly set and on a minimum weekly basis staff shall check that images are being recorded and stored for a minimum of 31 days and can be instantly downloaded.
16. Front of house / waiting staff will receive training for their role on induction & refresher training every 6 months. Written training records will be kept for all staff.
17. Notices will be prominently displayed by the entry/exit door, on the outside area and servery advising customers:
  - That CCTV and challenge 25 are in operation;
  - Advising customers of the provisions of the licensing act regarding underage & proxy sales;
  - Asking customers to respect nearby residents, to leave quietly and not loiter outside the restaurant;
  - That no drinks, glasses or bottles may be taken beyond the outside tables and chairs area or when the area is closed from the restaurant at any time;
  - Asking smokers to dispose of cigarette butts responsibly.
18. A fire risk assessment and emergency plan will be prepared & regularly reviewed. Staff will be given appropriate fire safety training
19. No drinks, glasses or bottles will be permitted to be taken beyond the outside tables and chairs area or when the area is closed from the restaurant at any time.
20. Management & staff will monitor the outside of the restaurant including the conduct of customers outside smoking. A suitable container will be provided for cigarette ends and be regularly emptied.
21. The restaurant front will be kept tidy at all times and shall be swept at close.
22. No deliveries will be received or glass removed between 20.00 and 08.00.
23. A phone number will be displayed for residents to contact management with any concerns. Details of any complaints and the outcome will be recorded in the incident book.
24. A local cab office number will be displayed & staff will call a cab for departing customers on request

25. 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.
26. All refusals of service will be recorded in the incident book (refusals section) and will be made available to the police or authorised officers on request.
27. Waiting staff will be trained on induction and be given refresher training at six monthly intervals in the operation of challenge 25. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, not serving intoxicated persons, avoiding conflict, responsible alcohol retailing & safeguarding children.
28. No child or young person under 18 will be permitted to consume alcohol on the premises at any time.
29. No unaccompanied children will be permitted on the premises after 19.00

**Conditions proposed by the Environmental Health Service and agreed by the applicant so as to form part of the operating schedule**

30. Customers of Number 1 Irving Street must be allowed to use the toilets free of charge at the adjoining Number 2/3 Irving Street. The toilets at Number 2/3 shall be available for use at all times when Number 1 is open for business

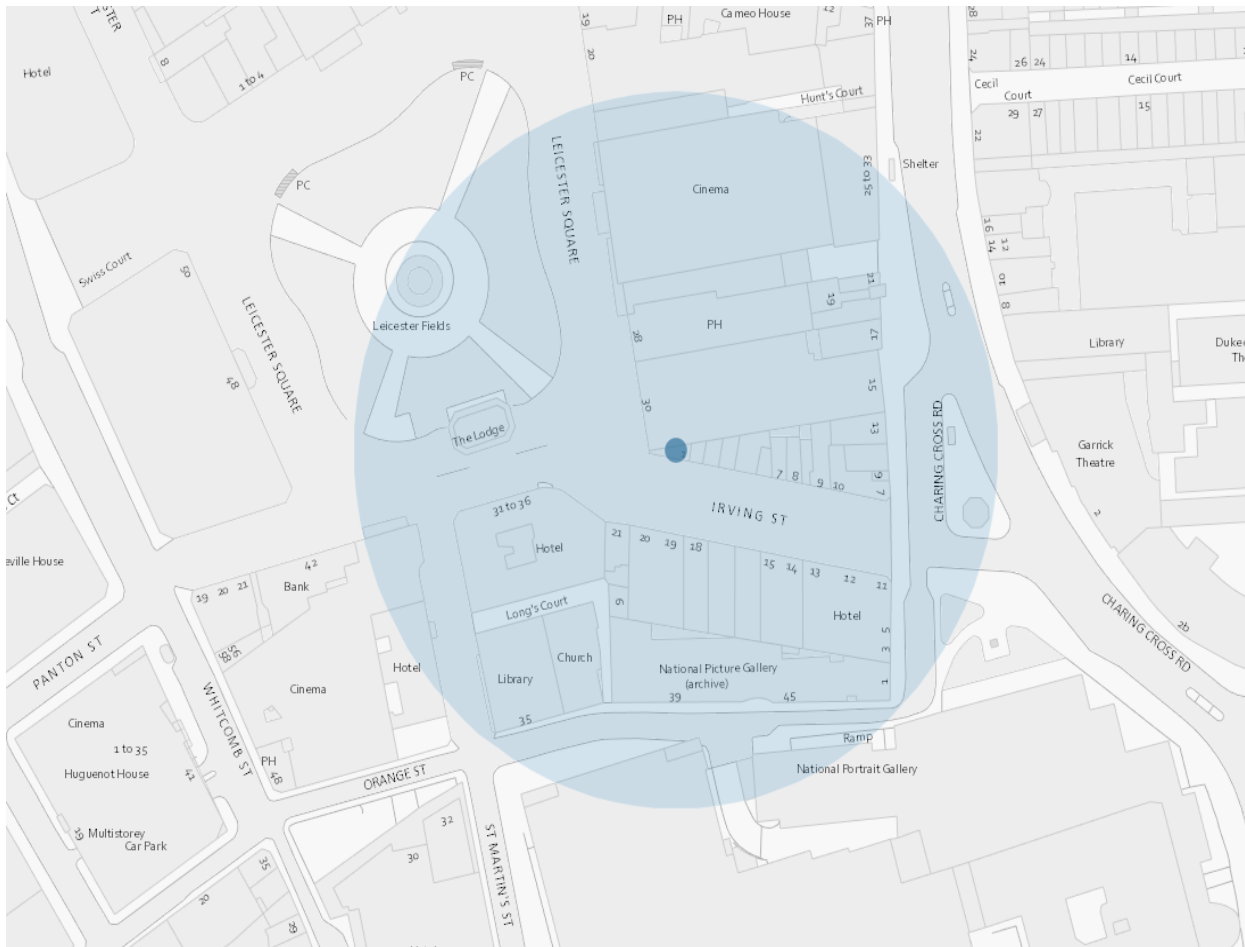
**Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule**

31. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
32. 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.
33. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.



Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

34. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.



Resident count: 16

**Licensed premises within 75 metres of 1 Irving Street**

|                 |                                   |  |              |  |
|-----------------|-----------------------------------|--|--------------|--|
| 19/02589/LIPDPS | Stephanos<br>Cafe La<br>Chandelle | 2-3 Irving<br>Street<br>London<br>WC2H 7AT         | Restaurant   | Monday to<br>Saturday; 08:00<br>- 00:30  <br>Sunday; 08:00 -<br>00:00  |
| 18/05674/LIPDPS | Global Radio                      | 29-30<br>Leicester<br>Square<br>London<br>WC2H 7LA | Office       | Monday to<br>Friday; 07:00 -<br>00:00  |
| 19/10149/LIPVM  | TGI Fridays                       | 29-30<br>Leicester<br>Square<br>London<br>WC2H 7LA | Not Recorded | Monday; 09:00 -<br>01:30  <br>Tuesday; 09:00<br>- 01:30  <br>Wednesday;<br>09:00 - 01:30  <br>Thursday; 09:00<br>- 01:30   Friday;<br>09:00 - 01:30  <br>Sunday; 09:00 -<br>01:00   Sundays<br>before Bank |

|                 |                           |  |                                      |  |
|-----------------|---------------------------|--|--------------------------------------|--|
|                 |                           |  |                                      | Holidays; 09:00 - 01:30  |
| 19/04918/LIPVM  | Il Padrino                | 6-7 Irving Street<br>London<br>WC2H 7AT                        | Not Recorded                         | Monday; 10:00 - 05:00  <br>Tuesday; 10:00 - 05:00  <br>Wednesday;<br>10:00 - 05:00  <br>Thursday; 10:00 - 05:00  <br>Friday;<br>10:00 - 05:00  <br>Sunday; 11:00 - 01:30   |
| 19/11943/LIPDPS | Club Storm                | 28A<br>Leicester<br>Square<br>London<br>WC2H 7LE               | Night clubs<br>and discos            | Monday; 09:00 - 03:30   Monday<br>to Wednesday;<br>09:00 - 03:30  <br>Tuesday; 09:00 - 03:30  <br>Wednesday;<br>09:00 - 03:30  <br>Thursday; 09:00 - 03:30  <br>Thursday to<br>Saturday; 09:00 - 06:00  <br>Friday;<br>09:00 - 03:30  <br>Saturday; 09:00 - 03:30  <br>Sunday; 09:00 - 01:00 |
| 18/07437/LIPVM  | Moon Under<br>Water       | 28 Leicester<br>Square<br>London<br>WC2H 7LE                   | Public house<br>or pub<br>restaurant | Monday to<br>Thursday; 07:00 - 23:30  <br>Friday<br>to Saturday;<br>07:00 - 00:00  <br>Sunday; 07:00 - 22:50  <br>Sundays<br>before Bank<br>Holidays; 07:00 - 00:00  |
| 18/14488/LIPT   | Wox                       | 8 Irving<br>Street<br>London<br>WC2H 7AT                       | Cafe                                 | Monday to<br>Saturday; 23:00 - 05:00   |
| 18/09424/LIPDPS | Garfunkels<br>Restaurants | Ground Floor<br>19 - 20 Irving<br>Street<br>London<br>WC2H 7RR | Restaurant                           | Monday to<br>Saturday; 10:00 - 00:30  <br>Sunday; 12:00 - 00:00  |
| 18/14963/LIPDPS | MOD Pizza                 | 17 - 18 Irving<br>Street<br>London<br>WC2H 7AU                 | Restaurant                           | Monday to<br>Saturday; 07:00 - 00:30  <br>Sunday; 07:00 - 00:00  <br>Christmas Eve;<br>07:00 - 02:30   |

|                 |                          |  |                               |  |
|-----------------|--------------------------|--|-------------------------------|--|
|                 |                          |  |                               | New Year's Eve; 07:00 - 07:00  |
| 18/09120/LIPDPS | Radisson Hampshire Hotel | 31-36 Leicester Square<br>London<br>WC2H 7LH                           | Hotel, 4+ star or major chain | Monday to Sunday; 00:01 - 00:00  |
| 17/09529/LIPN   | Not Recorded             | Basement And Ground Floor 16<br>Irving Street<br>London<br>WC2H 7AU    | Restaurant                    | Monday to Saturday; 07:00 - 01:00   Sunday; 07:00 - 00:00   Christmas Eve; 07:00 - 02:30   New Year's Eve; 07:00 - 07:00 |
| 10/05756/LIPN   | Pompidou                 | 9A Irving Street<br>London<br>WC2H 7AT                                 | Cafe                          | Monday to Saturday; 07:00 - 23:30   Sunday; 09:00 - 23:00  |
| 06/12648/WCCMAC | Beefsteak Club           | Basement To First Floor 9<br>Irving Street<br>London<br>WC2H 7AH       | Club or institution           | Monday to Friday; 13:00 - 15:00   Monday to Friday; 17:30 - 23:30  |
| 17/12395/LIPVM  | Not Recorded             | 9A Irving Street<br>London<br>WC2H 7AT                                 | Cafe                          | Monday to Saturday; 08:00 - 23:30   Sunday; 08:00 - 23:00  |
| 18/09520/LIPDPS | Bella Italia             | 10 Irving Street<br>London<br>WC2H 7AT                                 | Restaurant                    | Monday to Saturday; 09:00 - 01:00   Sunday; 09:00 - 00:00   Sundays before Bank Holidays; 09:00 - 01:00                  |
| 19/00179/LIPT   | The Halal Guys           | Basement And Ground Floor 14-15<br>Irving Street<br>London<br>WC2H 7AU | Restaurant                    | Monday to Saturday; 10:00 - 23:30   Sunday; 23:30 - 23:00  |
| 17/00808/LIPDPS | Wagamama                 | 14A Irving Street<br>London<br>WC2H 7AF                                | Restaurant                    | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00  |
| 18/01279/LIPDPS | Saravana Bhavan          | 17 Charing Cross Road<br>London<br>WC2H 0EP                            | Restaurant                    | Monday to Sunday; 10:00 - 00:30  |
| 19/11008/LIPVM  | Odeon Cinema             | 24 - 27  | Cinema                        | Monday to  |

|                 |                          |   |                        |   |
|-----------------|--------------------------|---|------------------------|---|
|                 |                          | Leicester Square<br>London<br>WC2H 7JY  |                        | Sunday; 00:00 - 00:00   |
| 19/05778/LIPCH  | Odeon Cinema             | 24 - 27<br>Leicester Square<br>London<br>WC2H 7JY   | Cinema                 | Monday to<br>Sunday; 00:00 - 00:00  |
| 16/00395/LIPT   | Maharaja Of India        | 19A Charing Cross Road<br>London<br>WC2H 0ET  | Restaurant             | Monday to<br>Saturday; 10:00 - 23:30  <br>Sunday; 12:00 - 23:00   |
| 19/01132/LIPVM  | Steak & Co               | Ground Floor<br>3 - 5 Charing Cross Road<br>London<br>WC2H 0HA  | Restaurant             | Monday to<br>Saturday; 10:00 - 00:30  <br>Sunday; 12:00 - 00:00   |
| 18/12523/LIPT   | Assembly Hotel           | Basement<br>And Ground Floor Part<br>Alhambra House 27 - 31<br>Charing Cross Road<br>London<br>WC2H 0AU | Hotel, 3 star or under | Monday to<br>Thursday; 10:00 - 00:00  <br>Friday to Saturday;<br>10:00 - 01:00  <br>Sunday; 10:00 - 22:30           |
| 06/05390/WCCMAP | Leicester Square Gardens | Open Space<br>At Leicester Square<br>London<br>WC2H 7LE   | Park / Open Space      | Monday to<br>Saturday; 07:30 - 22:30  <br>Sunday; 08:00 - 22:30   |
| 15/07167/LIPDPS | Bella Italia             | 22 Leicester Square<br>London   | Restaurant             | Monday to<br>Saturday; 09:00 - 01:00  <br>Sunday; 09:00 - 00:00  <br>Sundays before Bank<br>Holidays; 09:00 - 01:00 |

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City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 2

|                    |   |
|--------------------|---|
| Item No:           |   |
| Date:              | 14 November 2019  |
| Licensing Ref No:  | 19/11416/LIPV - Premises Licence Variation                      |
| Title of Report:   | Thai Tho Soho<br>42 Rupert Street<br>London<br>W1D 6DP          |
| Report of:         | Director of Public Protection and Licensing                     |
| Wards involved:    | St James's  |
| Policy context:    | City of Westminster Statement of Licensing Policy               |
| Financial summary: | None  |
| Report Author:     | Kevin Jackaman<br>Senior Licensing Officer                      |
| Contact details    | Telephone: 020 7641 8094<br>Email: kjackaman@westminster.gov.uk |

## 1. Application

| 1-A Applicant and premises        |   |                                |            |
|-----------------------------------|---|--------------------------------|------------|
| <b>Application Type:</b>          | Variation of a Premises Licence, Licensing Act 2003   |                                |            |
| <b>Application received date:</b> | 10 September 2019   |                                |            |
| <b>Applicant:</b>                 | Battlemanor Limited   |                                |            |
| <b>Premises:</b>                  | Thai Tho Soho   |                                |            |
| <b>Premises address:</b>          | 42 Rupert Street<br>London<br>W1D 6DP   | <b>Ward:</b>                   | St James's |
|                                   |   | <b>Cumulative Impact Area:</b> | West End   |
| <b>Premises description:</b>      | The premises are a Thai Restaurant with ancillary bar facilities  |                                |            |
| <b>Variation description:</b>     | <ol style="list-style-type: none"> <li>1. To remove conditions 9 to 11 under Annex 1 and 13 to 15 under Annex 2.</li> <li>2. To include in Annex 2 the conditions in the attached Operating Schedule.</li> <li>3. To extend the licensable area on the 1st floor, as per the attached plans.</li> <li>4. Following changes to the legislation, the premises licence currently allows for unrestricted playing of Recorded Music, we ask this to be amended to allow the playing of recorded music between the hours of 23:00 and 00:30 Monday to Saturday and 23:00 and 00:00 Sunday.</li> <li>5. Following changes to the legislation, the premises licence currently allows for unrestricted playing of Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit, we ask this to be amended to allow Karaoke between the hours of 23:00 and 00:30 Monday to Saturday and 23:00 and 00:00 Sunday.</li> </ol> |                                |            |
| <b>Premises licence history:</b>  | This premises have been licensed since at least 2005. The premises is currently licensed under reference 17/14506/LIPDPS A copy of the existing premises licence can be found at appendix 1   |                                |            |
| <b>Applicant submissions:</b>     | The applicant has proposed additional conditions as part of the application, which appear at appendix   |                                |            |



| 1-B Current and proposed licensable activities, areas and hours   |                  |      |                |       |  |           |
|---|------------------|------|----------------|-------|--|-----------|
| Regulated Entertainment   |                  |      |                |       |  |           |
| Recorded music and 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     |      | 23:00          | 00:30 | Basement to fourth floors  | No change |
| Tuesday   |                  |      | 23:00          | 00:30 |  |           |
| Wednesday   |                  |      | 23:00          | 00:30 |  |           |
| Thursday  |                  |      | 23:00          | 00:30 |  |           |
| Friday  |                  |      | 23:00          | 00:30 |  |           |
| Saturday  |                  |      | 23:00          | 00:30 |  |           |
| Sunday  |                  |      | 23:00          | 00:00 |  |           |
| Seasonal Variations/Non-standard Timings:   | Current:<br>None |      |                |       | Proposed:<br>The terminal hour for recorded music and anything of a similar description on New Year's Eve is extended to 08:00 on New Year's Day |           |

| 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  | 00:30 | No change      |      | Basement to fourth floors | No change |
| Tuesday                                    | 23:00  | 00:30 |                |      |                           |           |
| Wednesday                                  | 23:00  | 00:30 |                |      |                           |           |
| Thursday                                   | 23:00  | 00:30 |                |      |                           |           |
| Friday                                     | 23:00  | 00:30 |                |      |                           |           |
| Saturday                                   | 23:00  | 00:30 |                |      |                           |           |
| Sunday                                     | 23:00  | 00:00 |                |      |                           |           |
| Seasonal variations/ Non-standard timings: | Current:<br>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Years Day |       |                |      | Proposed:<br>No change    |           |

| Sale by Retail of Alcohol |               |       |                 |      |                           |           |
|---------------------------|---------------|-------|-----------------|------|---------------------------|-----------|
| On or off sales           |               |       | Current :       |      | Proposed:                 |           |
|                           |               |       | On the premises |      | No change                 |           |
|                           | Current Hours |       | Proposed Hours  |      | Licensable Area           |           |
|                           | Start:        | End:  | Start:          | End: | Current:                  | Proposed: |
| Monday                    | 10:00         | 00:00 | No change       |      | Basement to fourth floors | No change |
| Tuesday                   | 10:00         | 00:00 |                 |      |                           |           |
| Wednesday                 | 10:00         | 00:00 |                 |      |                           |           |
| Thursday                  | 10:00         | 00:00 |                 |      |                           |           |

|   |   |       |  |                  |  |
|---|---|-------|--|------------------|--|
| <b>Friday</b>   | 10:00   | 00:00 |  |                  |  |
| <b>Saturday</b>                                       | 10:00   | 00:00 |  |                  |  |
| <b>Sunday</b>   | 12:00   | 23:30 |  |                  |  |
| <b>Seasonal variations/<br/>Non-standard timings:</b> | <b>Current:</b>   |       |  | <b>Proposed:</b> |  |
|   | Condition 11 on the premises licences which reproduces the effect of any restriction imposed on the use of the premises by specified enactment. |       |  | None             |  |

| <b>Hours premises are open to the public</b>          |                      |             |                       |  |                          |                  |
|---|----------------------|-------------|-----------------------|--|--------------------------|------------------|
|   | <b>Current Hours</b> |             | <b>Proposed Hours</b> |  | <b>Premises Area</b>     |                  |
|   | <b>Start:</b>        | <b>End:</b> | <b>Start:</b>         | <b>End:</b>  | <b>Current:</b>          | <b>Proposed:</b> |
| <b>Monday</b>   | 10:00                | 00:30       | No change             |  | Basement to fourth floor | No change        |
| <b>Tuesday</b>  | 10:00                | 00:30       |                       |  |                          |                  |
| <b>Wednesday</b>                                      | 10:00                | 00:30       |                       |  |                          |                  |
| <b>Thursday</b>                                       | 10:00                | 00:30       |                       |  |                          |                  |
| <b>Friday</b>   | 10:00                | 00:30       |                       |  |                          |                  |
| <b>Saturday</b>                                       | 10:00                | 00:30       |                       |  |                          |                  |
| <b>Sunday</b>   | 12:00                | 00:00       |                       |  |                          |                  |
| <b>Seasonal variations/<br/>Non-standard timings:</b> | <b>Current:</b>      |             |                       | <b>Proposed:</b>   |                          |                  |
|   | None                 |             |                       | The terminal hour on New Year's Eve is extended to the Opening hours on New Year's Day |                          |                  |

|  |
|--|
| <b>1-C Layout alteration</b>   |
| To extend the licensable area on the first floor as per the plans attached to the application and which appear at appendix 2 |

|  |
|--|
| <b>1-D Conditions being removed</b>  |
| <b>Condition</b>   |
| <p>9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.</p> <p>10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.</p> <p>11. Alcohol may be sold or supplied:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00;</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30;</p> <p>(c) On Christmas Day: 12:00 to 22:30;</p> <p>(d) On New Year's Eve, except on a Sunday, 10:00 to 23:00;</p> <p>(e) On New Year's Eve on a Sunday, 12:00 to 22:30;</p> <p>(f) 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> |

13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exits points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. 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.

**1-E Conditions proposed to be added by the applicant**

**Condition**

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

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.

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.

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business

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.

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.

Notwithstanding the condition below, alcohol may be supplied and consumed prior to their meal in the bar area on the ground floor, by up to a maximum at any one time, of 12 persons dining at the premises.

The ground floor and 1st floor of the premises shall only operate as a restaurant

- (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

The basement and the rooms on the 2nd floor may be used for the provision of karaoke style entertainment. Substantial food and non-intoxicating beverages, including drinking water, shall be available in these areas at all times that they are being used for the provision of any licensable activity.

The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

The edges of the treads of steps and stairways shall be maintained so as to be conspicuous

## 2. Representations

| 2-A Responsible Authorities   |                              |
|---|------------------------------|
| <b>Responsible Authority:</b>   | Metropolitan Police Service  |
| <b>Representative:</b>  | Reaz Guerra                  |
| <b>Received:</b>  | 8 October 2019               |
| <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p>  |                              |
| <b>Responsible Authority:</b>   | Environmental Health Service |
| <b>Representative:</b>  | Sally Fabbricatore           |
| <b>Received:</b>  | 2 October 2019               |
| <p>I refer to the application for variation of a Premises Licence (17/14506/LIPDPS), issued under the Licensing Act 2003.</p> <p><b>The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.</b></p> <p>This representation is based on the Operating Schedule and the submitted plans, for the basement, ground, first, second, third and fourth floors all titled with the address and dated August 2019.</p> <p>The applicant is seeking the following in the <b>basement, ground, first and second floors</b>:</p> <ul style="list-style-type: none"> <li>• To remove conditions 9, 10, 11, 13, 14 and 15.</li> <li>• To extend the licensable area on the first floor.</li> <li>• To add the provision of recorded music from Monday to Saturday 23:00-00:30 hours and Sunday 23:00-00:00 hours.</li> <li>• To add anything similar to recorded music, live music and the performance of dance (to allow karaoke) from Monday to Saturday 23:00-00:30 hours and Sunday 23:00-00:00 hours.</li> <li>• To allow the above provisions from the end of New Year's Eve to 08:00 hours on New</li> </ul> |                              |

Year's Day.

**I wish to make the following representations in relation to the above application:**

The removal of conditions, extension of licensable area and extension of hours for regulated entertainment may cause an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.

The applicant has proposed conditions within the Operating Schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

**The granting of the variation Premises Licence as presented may have the likely effect of causing an increase in Public Nuisance in the cumulative impact area.**

|                               |                   |
|-------------------------------|-------------------|
| <b>Responsible Authority:</b> | Licensing Service |
| <b>Representative:</b>        | Karyn Abbott      |
| <b>Received:</b>              | 4 October 2019    |

I write in relation to the application submitted for a variation of the premises licence for 47 Rupert Street, London W1D 6DP.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following variations:

1. To remove conditions 9 to 11 under Annex 1 and 13 to 15 under Annex 2.
2. To include in Annex 2 the conditions in the attached Operating Schedule.
3. To extend the licensable area on the 1st floor, as per the attached plans.
4. Following changes to the legislation, the premises licence currently allows for unrestricted playing of Recorded Music, we ask this to be amended to allow the playing of recorded music between the hours of 23:00 and 00:30 Monday to Saturday and 23:00 and 00:00 Sunday.
5. Following changes to the legislation, the premises licence currently allows for unrestricted playing of Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit, we ask this to be amended to allow Karaoke between the

hours of 23:00 and 00:30 Monday to Saturday and 23:00 and 00:00 Sunday.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PB2 and RNT2.

The Licensing Authority note within the operating schedule the applicant has proposed model condition 66 (condition 9) for the Ground and First floor. The applicant has proposed the removal of the below existing condition 9 which raises concerns with the Licensing Authority. This is due to the removal of the ancillary nature of how the alcohol relates to the basement and 2<sup>nd</sup> floor.

*Conditions related to the Sale of Alcohol*

*9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.*

Furthermore, the applicant has proposed the following condition;

*10. The basement and the rooms on the 2nd floor may be used for the provision of karaoke style entertainment. Substantial food and non-intoxicating beverages, including drinking water, shall be available in these areas at all times that they are being used for the provision of any licensable activity.*

The above condition proposed by the applicant does not mean that the basement and the 2<sup>nd</sup> floor must be used for karaoke entertainment only it is stated that it may be used for those purposes. In turn this potentially means that these areas could be used as vertical drinking bars which brings the application in line with Westminster's Councils PB2 Policy.

The Licensing Authority also has concerns with conditions 8 of the proposed operating schedule due to the bar area on the ground floor and to whether these people will be seated.

*8. Notwithstanding condition 9, alcohol may be supplied and consumed prior to their meal in the bar area on the ground floor, by up to a maximum at any one time, of 12 persons dining at the premises.*

The Licensing Authority encourage the applicant to provide further submissions with the below.

- How will the basement and rooms on the 2<sup>nd</sup> Floor be operated and controlled i.e. will the alcohol be ancillary to karaoke; will these floors operate as a way of vertical drinking?

The Councils PB2 Policy states 'It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary the hours within Core Hours under Policy HSR1.'

In paragraph 2.5.3 the policy states 'The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening. The council, however, is not minded to relax conditions for restaurants where alcohol may only be consumed by persons as an ancillary to their substantial table meal.

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

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

Please accept this as a formal representation.

### **3. Policy & Guidance**

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

**Policy CP1 applies**

(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

|                                   |   |
|-----------------------------------|---|
| <p><b>Policy HRS1 applies</b></p> | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u><br/> Monday to Thursday: 10:00 to 23:30<br/> Friday and Saturday: 10:00 to midnight<br/> Sundays immediately prior to Bank Holidays: Midday to midnight<br/> Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u><br/> Monday to Thursday: 09:00 to 23.30<br/> Friday and Saturday: 09:00 to midnight<br/> Sundays immediately prior to Bank Holidays: 09:00 to midnight<br/> Other Sundays: 09:00 to 22:30</p> |
| <p><b>Policy PB2 applies</b></p>  | <p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.



#### 4. Appendices

|                   |  |
|-------------------|--|
| <b>Appendix 1</b> | Current premises licence                             |
| <b>Appendix 2</b> | Updated Premises Plans                               |
| <b>Appendix 3</b> | Premises history                                     |
| <b>Appendix 4</b> | Proposed conditions                                  |
| <b>Appendix 5</b> | Residential map and list of premises in the vicinity |

|                       |   |
|-----------------------|---|
| <b>Report author:</b> | Kevin Jackaman<br>Senior Licensing Officer                      |
| <b>Contact:</b>       | Telephone: 020 7641 8094<br>Email: kjackaman@westminster.gov.uk |

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

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

|          |   |                |
|----------|---|----------------|
| <b>1</b> | Licensing Act 2003  | N/A            |
| <b>2</b> | City of Westminster Statement of Licensing Policy                   | 7 January 2016 |
| <b>3</b> | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018     |
| <b>4</b> | Metropolitan Police Service Representation                          | 8 October 2019 |
| <b>5</b> | Environmental Health Service Representation                         | 2 October 2019 |
| <b>6</b> | Licensing Authority Representation                                  | 4 October 2019 |



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: St James's  
UPRN: 100023472682

Premises licence

Regulation 33, 34

**Premises licence number:**

**17/14506/LIPDPS**

**Original Reference:**

05/11095/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Thai Tho Soho  
42 Rupert Street  
London  
W1D 6DP

**Telephone Number:** 020 7287 6333

**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:**

|   |                |
|---|----------------|
| <b>Playing of Recorded Music</b>  | Unrestricted   |
| <b>Late Night Refreshment</b>   |                |
| Monday to Saturday:   | 23:00 to 00:30 |
| Sunday:   | 23:00 to 00:00 |
| <b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b> | Unrestricted   |
| <b>Sale by Retail of Alcohol</b>  |                |
| Monday to Saturday:   | 10:00 to 00:00 |
| Sunday:   | 12:00 to 23:30 |

*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 00:30 |
| Sunday:             | 12:00 to 00:00 |

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

Alcohol is supplied for consumption on the Premises.

**Part 2**

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

Battlemanor Limited  
20 High Street  
Wimbledon  
London  
SW19 5DX  
Telephone Number: 020 8296 9038

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

2777733

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

**Name:** Thanyarat Santichatsak

*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:** PA-0340  
**Licensing Authority:** The Royal Borough of Kensington and Chelsea

**Date:** \_\_\_\_\_

This licence has been authorised by Ms Roxsana Haq 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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
    - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (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;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7.
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (2) 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 a holographic mark.
8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

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

#### Conditions related to the Sale of Alcohol

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments

11. Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30;
- (c) On Christmas Day: 12:00 to 22:30;
- (d) On New Year's Eve, except on a Sunday, 10:00 to 23:00;
- (e) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (f) 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 taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) 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;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

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

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

12. 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

13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exits points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. 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.

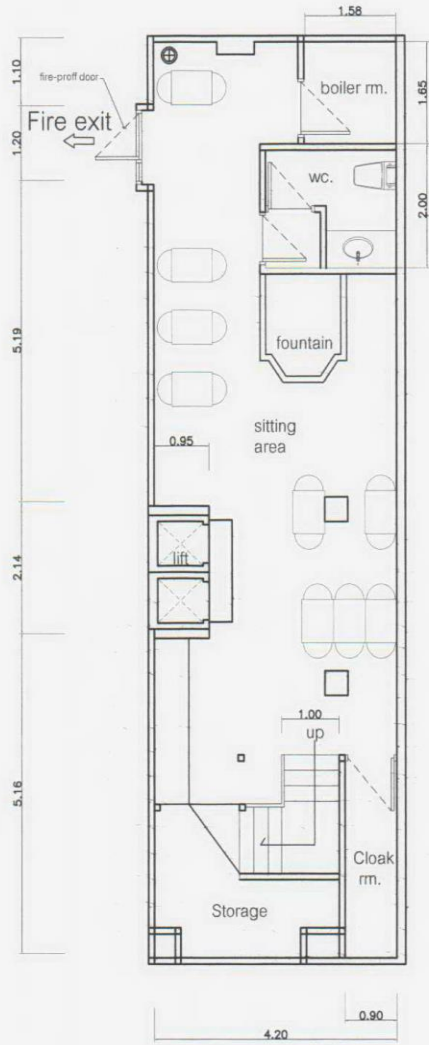


**Annex 3 – Conditions attached after a hearing by the licensing authority**

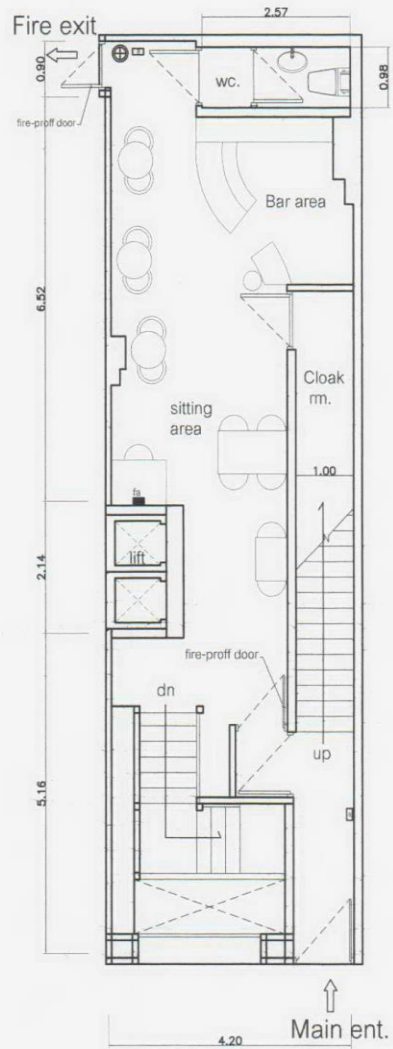
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## **Annex 4 – Plans**

Attached

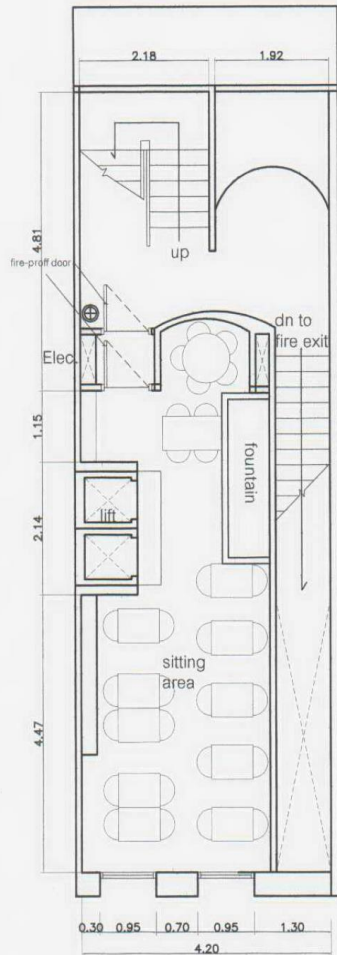


**HAI** **PAYLIGN** Basement Floor Plan SCALE 1:100

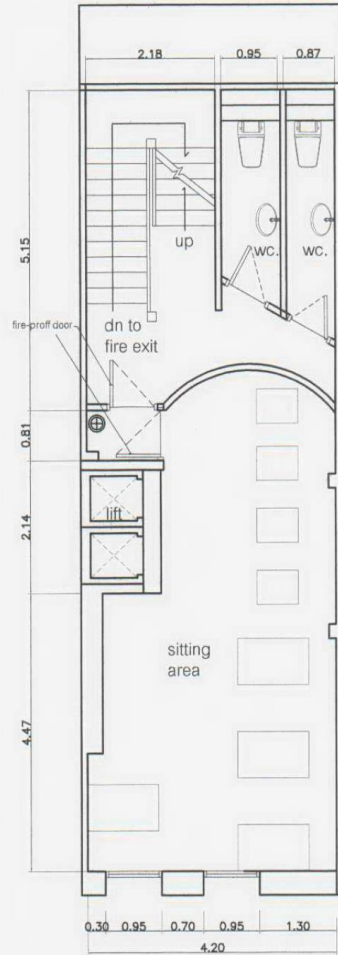


**HAI** **PAYLIGN** Ground Floor Plan SCALE 1:100

| Symbols |                 |
|---------|-----------------|
|         | Fire Extinguish |
|         | Break Glass     |
|         | Fire alarm      |

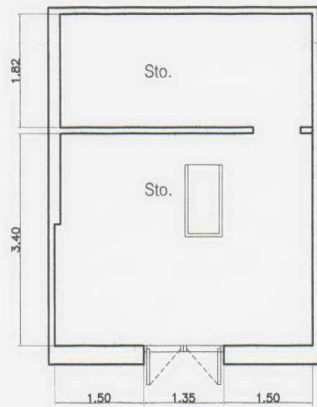


**HAI** **PAVILION** First Floor Plan  
SCALE 1:100

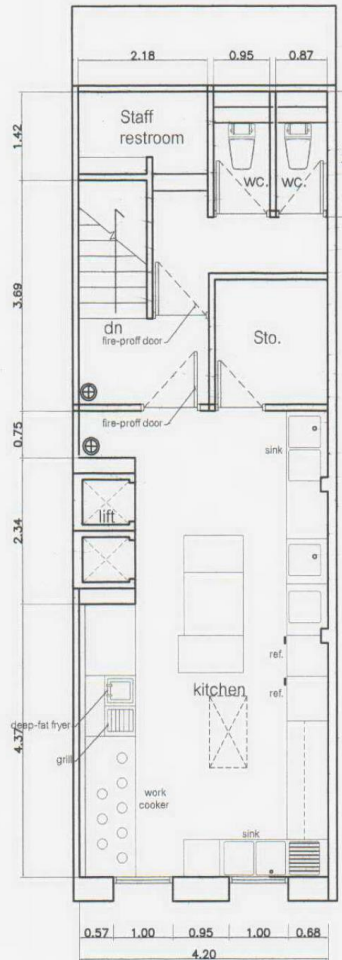


**HAI** **PAVILION** Second Floor Plan  
SCALE 1:100

| Symbols |                 |
|---------|-----------------|
|         | Fire Extinguish |
|         | Break Glass     |
|         | Fire alarm      |



**HAI**  
DAVILTON Forth Floor Plan  
SCALE 1:100



| Symbols |                 |
|---------|-----------------|
|         | Fire Extinguish |
|         | Break Glass     |
|         | Fire alarm      |

**HAI**  
DAVILTON Third Floor Plan  
SCALE 1:100



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

Schedule 12  
Part B

WARD: St James's  
UPRN: 100023472682

Premises licence  
summary

Regulation 33, 34

**Premises licence number:**

**17/14506/LIPDPS**

**Part 1 – Premises details**

**Postal address of premises:**

Thai Tho Soho  
42 Rupert Street  
London  
W1D 6DP

**Telephone Number:** 020 7287 6333

**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:**

|   |                |
|---|----------------|
| <b>Playing of Recorded Music</b>  | Unrestricted   |
| <b>Late Night Refreshment</b>   |                |
| Monday to Saturday:   | 23:00 to 00:30 |
| Sunday:   | 23:00 to 00:00 |
| <b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b> | Unrestricted   |
| <b>Sale by Retail of Alcohol</b>  |                |
| Monday to Saturday:   | 10:00 to 00:00 |
| Sunday:   | 12:00 to 23:30 |

*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 00:30 |
| Sunday:             | 12:00 to 00:00 |

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

Alcohol is supplied for consumption on the Premises.

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

Battlemanor Limited  
20 High Street  
Wimbledon  
London  
SW19 5DX

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

2777733

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

**Name:** Thanyarat Santichatsak

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

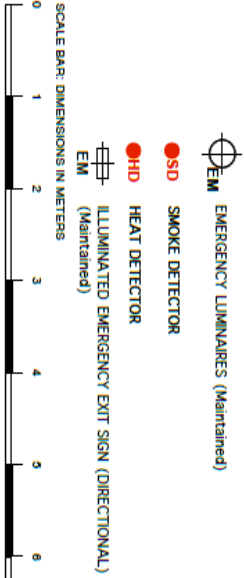
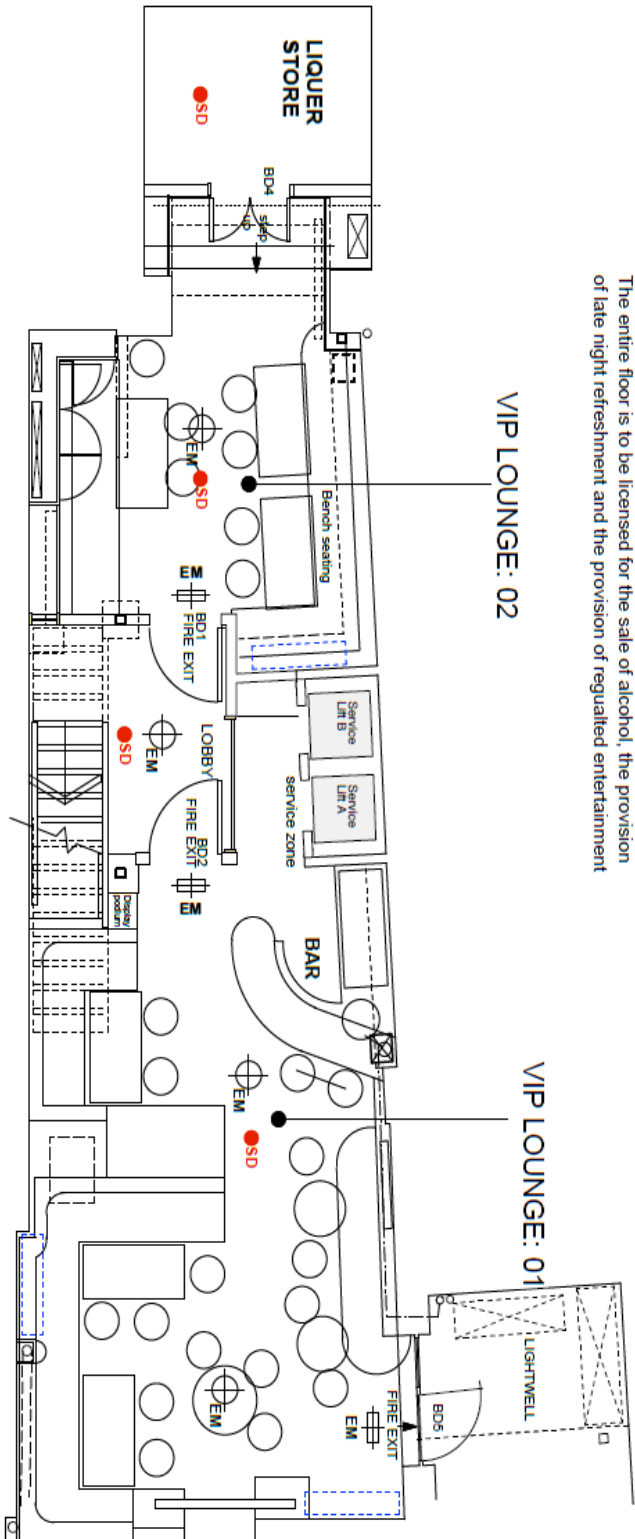
Restricted

**Date:** \_\_\_\_\_

**This licence has been authorised by Ms Roxsana Haq on behalf of the Director - Public Protection and Licensing.**

**EXISTING BASEMENT PLAN**

The entire floor is to be licensed for the sale of alcohol, the provision of late night refreshment and the provision of regulated entertainment



PROJECT TITLE:  
**42 RUPERT ST & 1st FLOOR, 52-56  
 SHAFTESBURY AVENUE, LONDON W1**

DRWG TITLE:  
**EXISTING BASEMENT FLOOR PLAN**

SCALE: 1/8th"=1'-0"  
 DATE: AUG 2019

DRWG IN: 9011/L/001

REV: LICENCING

**ANDREW JONES ASSOCIATES**  
 CHARTERED ARCHITECTS

PYRAMID STUDIO, 12 BARRON HEDGES WAY  
 CARSFALTON, SUTTON, SURREY, S M5 3LL

TEL: 020-8443 0901 FAX: 07850-257 655  
 EMAIL: [architects@andrewjonesassociates.com](mailto:architects@andrewjonesassociates.com)  
 WWW: [www.andrewjonesassociates.com](http://www.andrewjonesassociates.com)

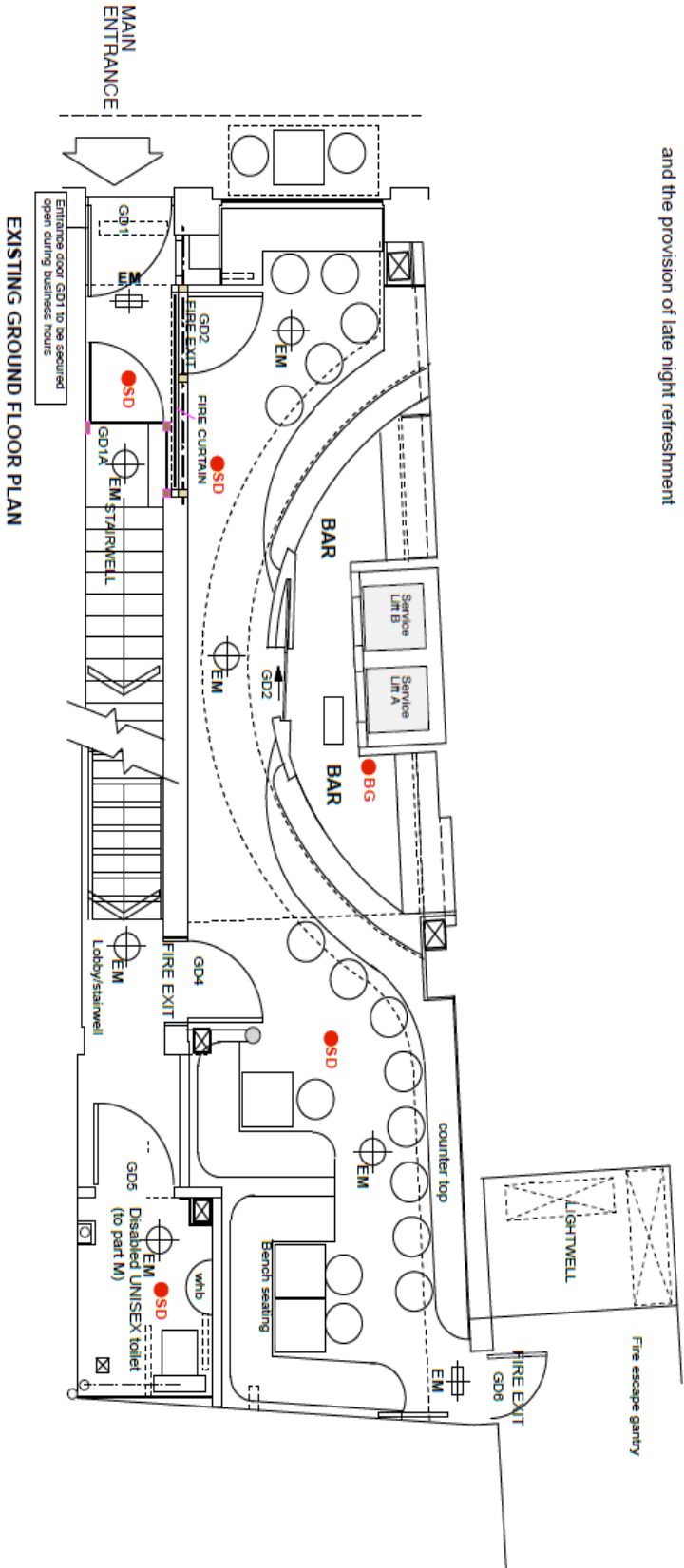
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**aja**

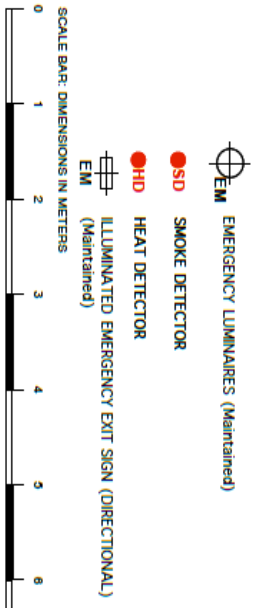


# EXISTING GROUND FLOOR PLAN

The entire floor is to be licensed for the sale of alcohol and the provision of late night refreshment



EXISTING GROUND FLOOR PLAN



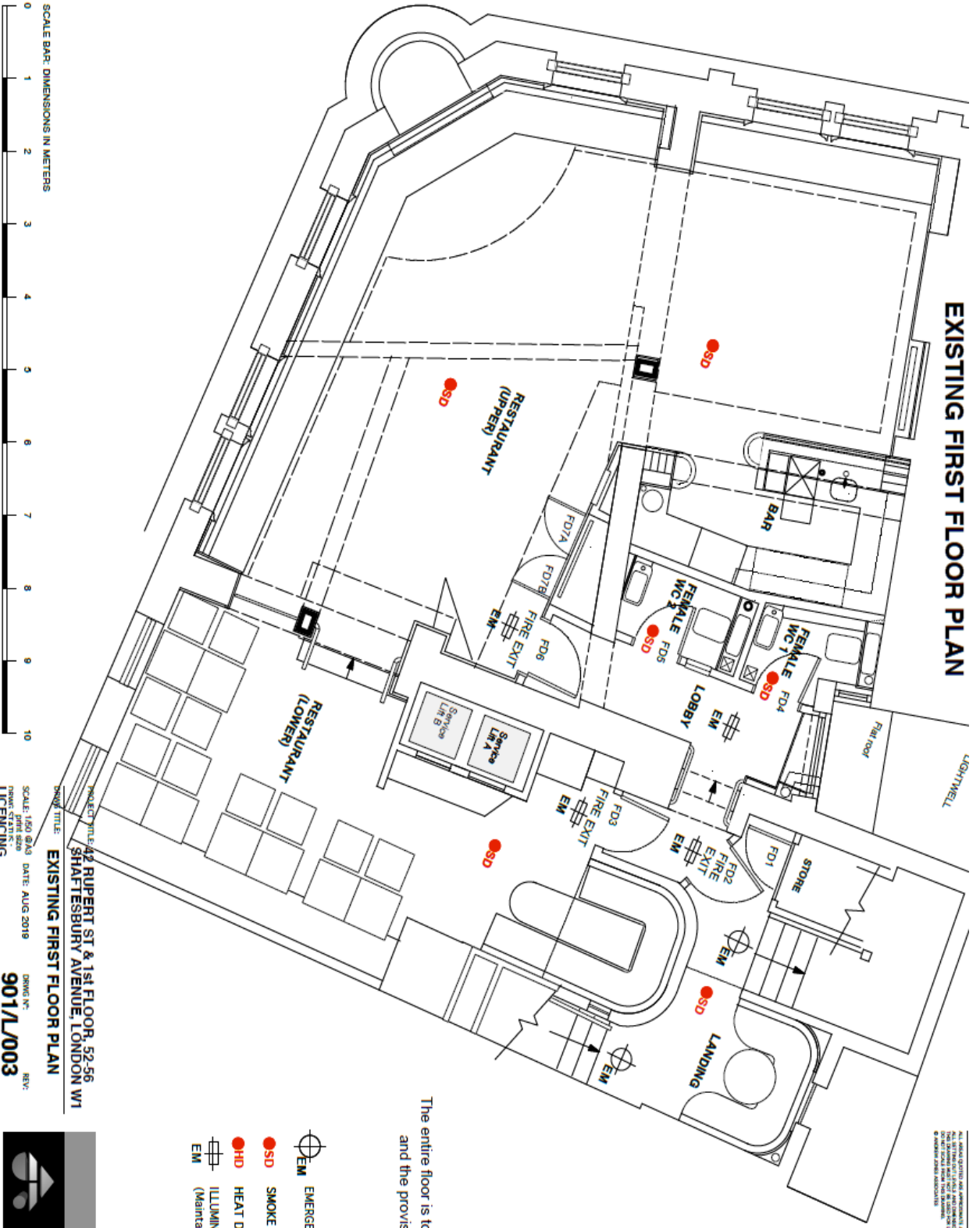
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 SCALE: 1:500 (A3) DATE: AUG 2019  
 DRAWING NO: 901/L/002  
 LICENSING

**ANDREW JONES ASSOCIATES**  
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 CARRINGTON, SUTTON, SURREY, S.M 5 3LL  
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 E: andrew.jones@andrewjonesassociates.com  
 WWW.ANDREWJONESASSOCIATES.COM





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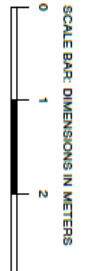
**aia**

# EXISTING FIRST FLOOR PLAN



The entire floor is to be licensed for the sale of alcohol and the provision of late night refreshment

-  EM EMERGENCY LUMINAIRES (Maintained)
-  SD SMOKE DETECTOR
-  HD HEAT DETECTOR
-  EM ILLUMINATED EMERGENCY EXIT SIGN (DIRECTIONAL) (Maintained)



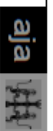
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 PROJECT NO: 42 RUPERT ST & 1st FLOOR, 52-56 SHAFTESBURY AVENUE, LONDON W1  
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 DATE: AUG 2018  
 SCALE: 1:50 @ A3  
 DRAWING NO: 901/L/003

**ANDREW JONES ASSOCIATES**  
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 PREPARED STUDIO: 13 BARROW HEDGES WAY  
 CARRINGTON, SUTTON, SURREY - SM5 3LL  
 TEL: 020-844 0601 020-8770 1753 07850-457 855  
 EMAIL: architects@andrewjonesassociates.com  
 WWW.ANDREWJONESASSOCIATES.COM

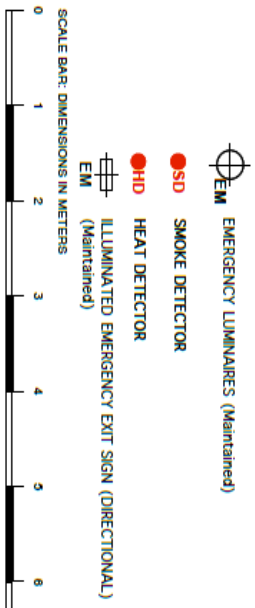
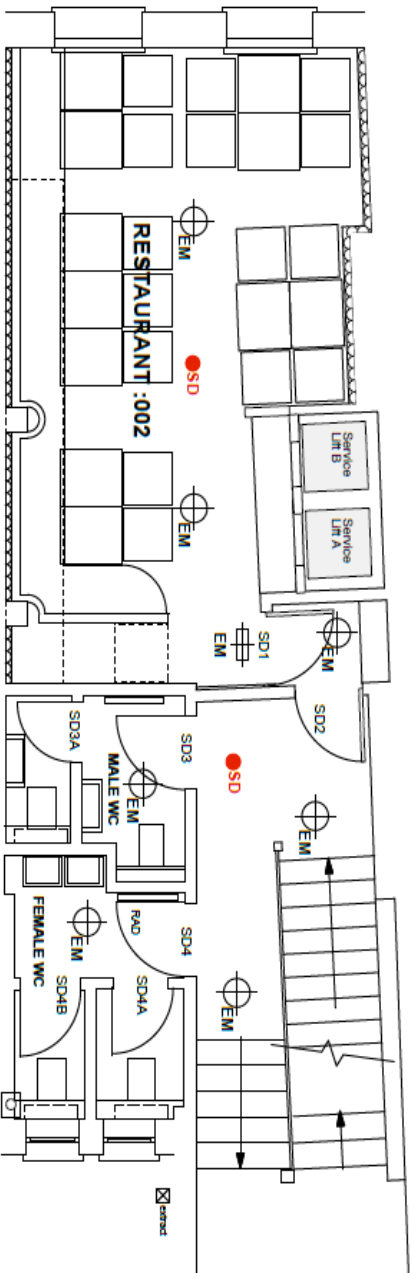


# EXISTING SECOND FLOOR PLAN

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The entire floor is to be licensed for the sale of alcohol, the provision of late night refreshment and the provision of regulated entertainment



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 DRAWING TITLE: EXISTING SECOND FLOOR PLAN  
 SCALE: 1/50 @ A3  
 DATE: AUG 2019  
 DRAWN BY: 901/L/004  
 REV: LICENCING

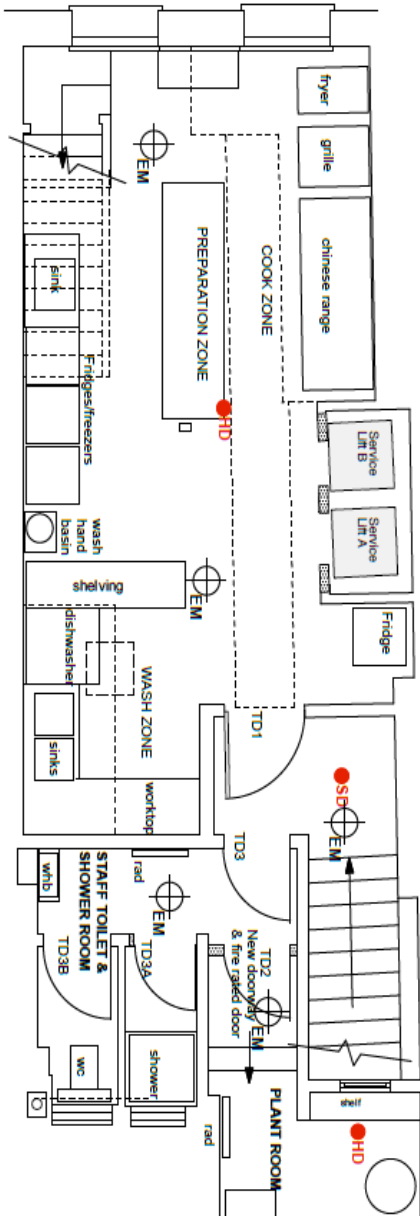
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 CHARTERED ARCHITECTS  
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 CARSHALTON, SUTTON, SURREY, S.M5 3LL  
 TEL: 020-844 0891 FAX: 020-8778 1758 MOBILE: 07850287 855  
 EMAIL: andrew@andrewjonesassociates.com  
 WWW.ANDREWJONESASSOCIATES.COM

# EXISTING THIRD FLOOR PLAN

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The entire floor is to be licensed for the sale of alcohol and the provision of late night refreshment



- EM EMERGENCY LUMINAIRES (Maintained)
- SD SMOKE DETECTOR
- HD HEAT DETECTOR
- EM ILLUMINATED EMERGENCY EXIT SIGN (DIRECTIONAL)



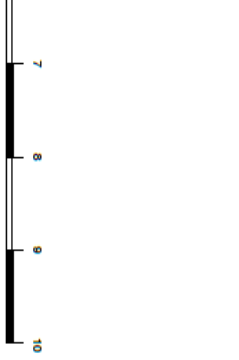
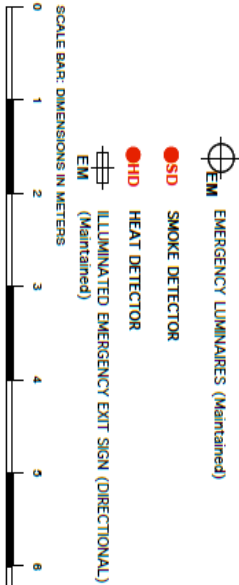
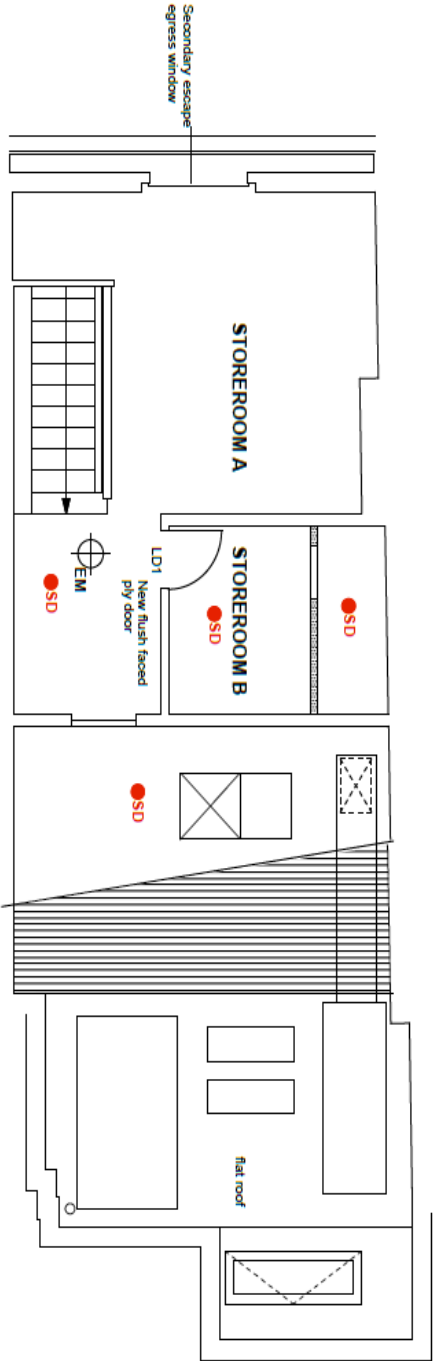
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 DRAWING TITLE: EXISTING THIRD FLOOR PLAN  
 SCALE: 1/50 @A3  
 DATE: AUG 2019  
 DRAWING NO: 901/L/005  
 REV: LICENCING

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 TEL: 020-8442 8891 FAX: 020-8779 1758  
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 WWW.ANDREWJONESASSOCIATES.COM

# EXISTING FOURTH/LOFT STOREY FLOOR PLAN



The entire floor is to be licensed for the sale of alcohol  
 and the provision of late night refreshment



PROJECT TITLE: 42 RUPERT ST & 1st FLOOR, 52-56  
 SHAFTESBURY AVENUE, LONDON W1  
 DRAWING TITLE: EXISTING FOURTH FLOOR PLAN  
 SCALE: 1/50 (A3) DATE: AUG 2019  
 DRAWN BY: [Name] REV: [Number]  
 LICENSING: 901/L/006

**ANDREW JONES ASSOCIATES**  
 CHARTERED ARCHITECTS  
 PYRAMID STUDIO, 12 BARROW HEDGES WAY  
 CASHALTON, SUTTON, SURREY SM5 3LL  
 TEL: 020-8643 0691 FAX: 020-8770 1783 MOBILE: 07550-287-855  
 WWW.ANDREWJONESASSOCIATES.COM

## Licence &amp; Appeal History

| Application     | Details of Application   | Date Determined | Decision                          |
|-----------------|--|-----------------|-----------------------------------|
| 05/11095/LIPC   | Conversion   | 28.09.2005      | Granted under delegated authority |
| 05/13261/LIPDPS | Variation of DPS   | 05.12.2005      | Granted under delegated authority |
| 07/04034/LIPT   | Transfer of premises Licence – Ameer Khasru to Shaftsbury Chinatown Ltd        | 29.05.2007      | Granted under delegated authority |
| 06/13591/WCCMAP | Master licence   | 22.05.2007      | Granted under delegated authority |
| 08/00152/LIPT   | Transfer of premises Licence – Shaftsbury Chinatown Ltd to Wiswa Pratoomrut    | 09.01.2008      | Granted under delegated authority |
| 08/06708/LIPT   | Transfer of premises Licence – Wiswa Pratoomrut to Shaftsbury Chinatown Ltd    | 17.12.2008      | Granted under delegated authority |
| 09/03003/LIPT   | Transfer of premises Licence – Shaftsbury Chinatown Ltd to Battlemanor Limited | 15.06.2009      | Granted under delegated authority |
| 09/03005/LIPDPS | Variation of DPS   | 15.06.2009      | Granted under delegated authority |
| 13/03850/LIPDPS | Variation of DPS   | 19.07.2013      | Granted under delegated authority |
| 17/03013/LIPVM  | Minor variation – additional conditions  | 18.04.2017      | Granted under delegated authority |
| 17/03319/LIPDPS | Variation of DPS   | 18.04.2017      | Granted under delegated authority |
| 17/14506/LIPDPS | Variation of DPS   | 30.01.2018      | Granted under delegated authority |
| 18/00169/LIPVM  | Minor variation – add additional regulated entertainment                       | 30.01.2018      | Refused                           |

There is no appeal history

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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



For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

9. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. 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.
12. 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.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
15. 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.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
17. Notwithstanding condition 18, alcohol may be supplied and consumed prior to their meal in the bar area on the ground floor, by up to a maximum at any one time, of 12 persons dining at the premises.
18. The ground floor and 1st floor of the premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,

- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

#### **Amendments to condition 18 proposed by the Licensing Authority**

18. The ground floor, 1st floor **and when the Karaoke rooms are not in use in the Basement and on the 2<sup>nd</sup> Floor** of the premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

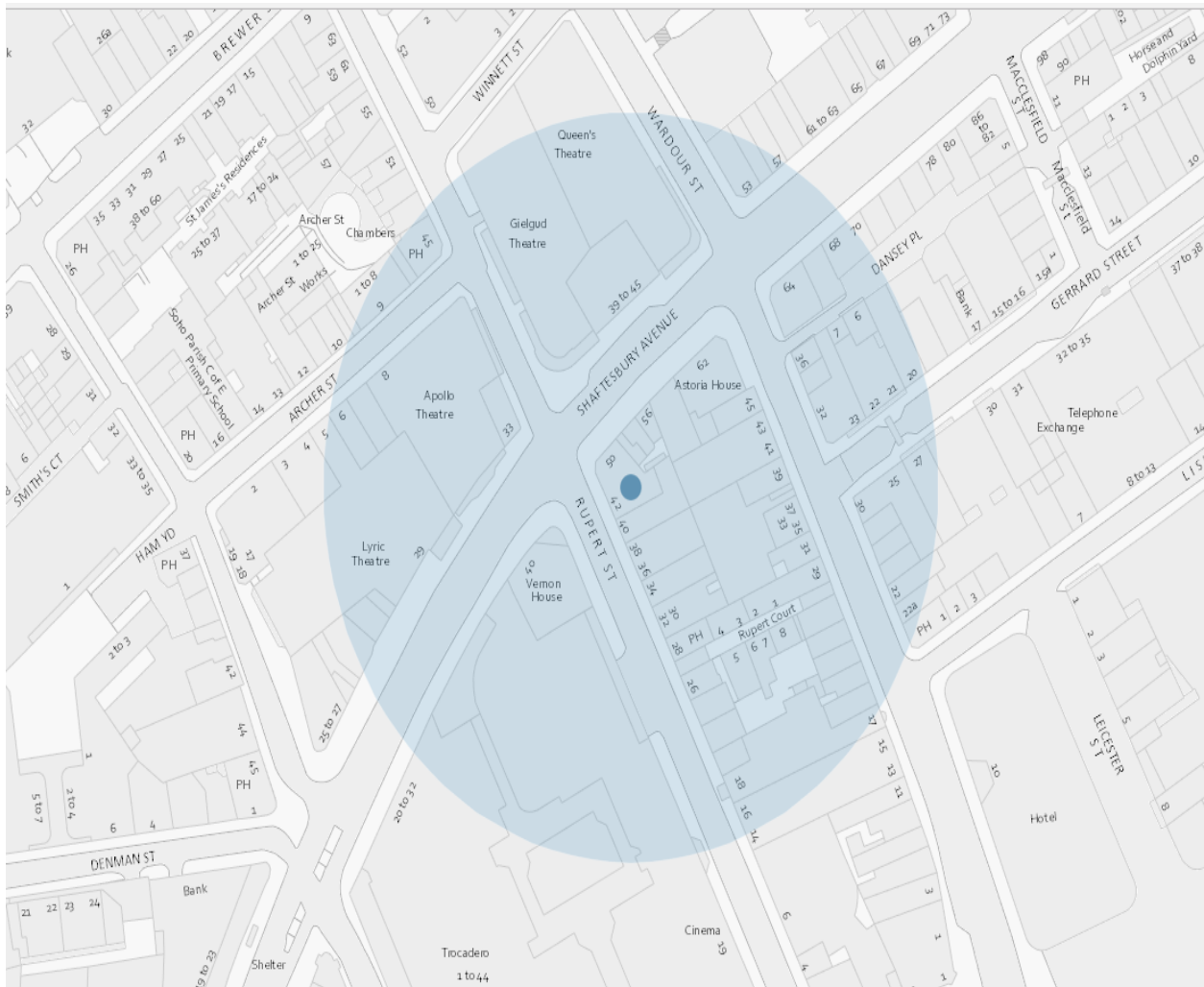
#### **Amendments to condition 19 proposed by the Licensing Authority**

19. The basement and the rooms on the 2nd floor may be used for the provision of karaoke style entertainment. Substantial food and non-intoxicating beverages, including drinking water, shall be available in these areas at all times that they are being used for the provision of any licensable activity.
- 19.1 The basement and the rooms on the 2nd floor may be used for the provision of karyaoke style entertainment. Substantial food and non-intoxicating beverages, including drinking water, shall be available in these areas at all times that they are being used for the provision of any licensable activity.
- 19.2 *When the Karaoke rooms are in use, the supply of alcohol in the Basement and on the 2<sup>nd</sup> Floor shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.***
20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
21. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
22. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

23. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous

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

None



Resident count: 46

**Licensed premises within 75 metres of 42 Rupert Street**

|                 |                |   |            |   |
|-----------------|----------------|---|------------|---|
| 15/04805/LIPDPS | Caffe Concerto | 50 Shaftesbury Avenue<br>London W1D 6LW               | Cafe       | Monday to Sunday; 08:00 - 23:30                           |
| 17/14506/LIPDPS | Thai Tho Soho  | 42 Rupert Street London W1D 6DP                       | Restaurant | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00 |
| 19/04264/LIPVM  | Hovarda        | 36 - 40 Rupert Street London W1D 6DN                  | Restaurant | Not Recorded; XXXX - XXXX                                 |
| 16/00578/LIPDPS | MW Buffet      | Astoria House 58-60 Shaftesbury Avenue London W1D 6LS | Restaurant | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00 |

|                 |                         |   |                                |   |
|-----------------|-------------------------|---|--------------------------------|---|
| 14/01871/LIPDPS | Wong Kei Restaurant     | 41-43 Wardour Street London W1D 6PY                               | Restaurant                     | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00                                     |
| 14/01354/LIPVM  | The Palomar             | 34 Rupert Street London W1D 6DN                                   | Restaurant                     | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00                                     |
| 14/10567/LIPVM  | Fratelli La Bufala      | 40 Shaftesbury Avenue London W1D 7ER                              | Restaurant                     | Monday to Sunday; 09:00 - 01:00   |
| 16/02850/LIPDPS | Bar Rumba               | Ground Floor Unit 17d Trocadero 13 Coventry Street London W1D 7ER | Restaurant                     | Monday to Saturday; 09:00 - 06:00   Sunday; 09:00 - 03:30                                     |
| 19/05366/LIPT   | La Scala                | 45 Wardour Street London W1D 6PZ                                  | Restaurant                     | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00                                     |
| 17/03149/LIPCHT | XU                      | 30 Rupert Street London W1D 6DL                                   | Restaurant                     | Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00                                     |
| 17/14804/LIPV   | Young Cheng Restaurant  | 39 Wardour Street London W1D 6PX                                  | Restaurant                     | Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00                                     |
| 18/04102/LIPDPS | Blue Posts Public House | 28 Rupert Street London W1D 6DJ                                   | Restaurant                     | Monday to Thursday; 10:00 - 23:30   Thursday to Friday; 10:00 - 00:00   Sunday; 12:00 - 23:00 |
| 18/02894/LIPDPS | Blue Posts Public House | 28 Rupert Street London W1D 6DJ                                   | Public house or pub restaurant | Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00 |
| 06/12437/WCCMAP | C & R Cafe Restaurant   | 3-4 Rupert Court London W1D 6DY                                   | Shop                           | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00                                     |

|                 |                       |   |                                |   |
|-----------------|-----------------------|---|--------------------------------|---|
| 19/01354/LIPVM  | O'Neills Public House | 33 Wardour Street London W1D 6PU  | Public house or pub restaurant | Monday to Tuesday; 08:00 - 02:30   Wednesday to Saturday; 08:00 - 03:30   Sunday; 08:00 - 02:00   Sundays before Bank Holidays; 08:00 - 02:30 |
| 07/10675/WCCMAP | Sunrise Cafe And News | Ground Floor 31 Wardour Street London W1D 6PT                               | Shop                           | Monday to Saturday; 08:00 - 05:00   Sunday; 10:00 - 05:00   |
| 14/05537/LIPVM  | Apollo Theatre        | Apollo Theatre 31 - 33 Shaftesbury Avenue London W1D 7EZ                    | Theatre                        | Monday to Sunday; 09:00 - 00:00   |
| 19/13036/LIPDPS | Pizza Express         | 29 Wardour Street London W1D 6PS  | Restaurant                     | Monday to Saturday; 10:00 - 00:30   Sunday; 10:00 - 00:00   |
| 18/12307/LIPDPS | Cafe Monico           | 39 - 45 Shaftesbury Avenue London W1D 6LA                                   | Restaurant                     | Monday to Saturday; 08:00 - 01:00   Sunday; 08:00 - 00:00   |
| 16/06186/LIPN   | Viet Food             | 34-36 Wardour Street London   | Restaurant                     | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00   |
| 15/04586/LIPDPS | Vietnamese Restaurant | 36 Wardour Street London W1D 6QT  | Restaurant                     | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00   |
| 18/07150/LIPDPS | Bubba Gump Shrimp Co. | Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB | Restaurant                     | Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 22:30   Sundays before Bank Holidays; 09:00 - 00:00   |
| 18/08646/LIPN   | Not Recorded          | Unit 29 Trocadero 13 Coventry   | Not Recorded                   | Monday to Sunday; 00:00 - 00:00   |

|                 |  |  |                           |  |
|-----------------|--|--|---------------------------|--|
|                 |  | Street London<br>W1D 7AB   |                           |  |
| 19/00522/LIPDPS | Not Recorded                               | Unit 34B<br>Trocadero 19<br>Rupert Street<br>London W1D<br>7PN               | Not Recorded              | Monday to<br>Saturday;<br>10:00 - 00:30  <br>Sunday; 10:00<br>- 00:00  |
| 19/07844/LIPN   | United Chip,<br>Unit 34a, The<br>Trocadero | 19A Rupert<br>Street London<br>W1D 6DF                                       | Restaurant                | Monday to<br>Thursday;<br>11:00 - 23:30  <br>Friday to<br>Saturday;<br>11:00 - 00:00  <br>Sunday; 12:00<br>- 22:30   |
| 18/16233/LIPN   | Not Recorded                               | Unit 34B<br>Trocadero 19<br>Rupert Street<br>London W1D<br>7PN               | Restaurant                | Monday to<br>Saturday;<br>10:00 - 01:30  <br>Sunday; 10:00<br>- 00:00  |
| 16/08280/LIPDPS | Yo! Sushi                                  | Unit 34A<br>Trocadero 13<br>Coventry<br>Street London<br>W1D 7AB             | Restaurant                | Monday to<br>Saturday;<br>10:00 - 23:30  <br>Sunday; 12:00<br>- 23:00  |
| 18/13366/LIPDPS | Opium                                      | Basement 21<br>Rupert Street<br>London W1D<br>7PJ                            | Restaurant                | Monday to<br>Sunday; 09:00<br>- 03:00  |
| 19/04772/LIPDPS | HaiDiLao                                   | Units 4 And 5<br>Trocadero 13<br>Coventry<br>Street London<br>W1D 7AB        | Restaurant                | Tuesday to<br>Thursday;<br>08:00 - 00:00  <br>Friday to<br>Saturday;<br>08:00 - 00:30  <br>Sunday; 08:00<br>- 23:00  <br>Sundays before<br>Bank Holidays;<br>08:00 - 00:30 |
| 19/02859/LIPCH  | Platinum Lace<br>Gentleman's<br>Club       | Unit 33<br>Trocadero 13<br>Coventry<br>Street London<br>W1D 7AB              | Night clubs<br>and discos | Monday to<br>Saturday;<br>15:00 - 06:30  <br>Sunday; 15:00<br>- 03:30  |
| 12/08402/LIPDPS | Hung's Chinese<br>Restaurant               | Ground Floor<br>To Second<br>Floor 27<br>Wardour Street<br>London W1D<br>6PR | Restaurant                | Monday to<br>Saturday;<br>10:00 - 04:30  <br>Sunday; 12:00<br>- 04:30  |



|                 |                    |  |            |  |
|-----------------|--------------------|--|------------|--|
| 19/08034/LIPVM  | Shuang Shuang      | 64 Shaftesbury Avenue<br>London W1D 6LU  | Restaurant | Monday; 10:00 - 00:30  <br>Tuesday; 10:00 - 00:30  <br>Wednesday;<br>10:00 - 00:30  <br>Thursday;<br>10:00 - 00:30  <br>Friday; 10:00 - 00:30   Sunday;<br>12:00 - 00:00 |
| 17/03204/LIPDPS | Kowloon Restaurant | Basement And Ground Floor<br>Gerrard Mansions 21 - 22<br>Gerrard Street London W1D 6JH | Restaurant | Monday to Saturday;<br>10:00 - 00:30  <br>Sunday; 12:00 - 00:00  |
| 19/03860/LIPDPS | Four Seasons       | 23 Wardour Street London W1D 6PW   | Restaurant | Monday to Saturday;<br>10:00 - 05:00  <br>Sunday; 12:00 - 05:00  |
| 18/06468/LIPDPS | Gelupo             | 7 Archer Street London W1D 7AU   | Cafe       | Tuesday to Saturday;<br>11:00 - 01:00  <br>Sunday to Wednesday;<br>11:00 - 23:00   |
| 06/13240/WCCMAP | Mr Wu Restaurant   | 28 Wardour Street London W1D 6QN   | Restaurant | Monday to Sunday; 11:00 - 00:00  |
| 19/08932/LIPCHT | Heritage           | 18 Rupert Street London W1D 6DD  | Restaurant | Monday to Wednesday;<br>10:00 - 00:30  <br>Thursday to Saturday;<br>10:00 - 01:30  <br>Sunday; 12:00 - 00:00   |
| 17/05614/LIPDPS | Morada Brindisa    | 18 Rupert Street London W1D 6DD  | Restaurant | Monday to Wednesday;<br>10:00 - 00:30  <br>Thursday to Saturday;<br>10:00 - 01:30  <br>Sunday; 12:00 - 00:00   |
| 17/00090/LIPVM  | Morden & Lea       | 17 Wardour Street London W1D 6PJ   | Restaurant | Monday to Wednesday;<br>10:00 - 00:30  <br>Thursday to Saturday;<br>10:00 - 01:30  <br>Sunday; 12:00 - 00:00   |

|                 |                                  |  |              |   |
|-----------------|----------------------------------|--|--------------|---|
| 06/12381/WCCMAP | Cafe T.P.T.                      | 21 Wardour Street London W1D 6PN                       | Restaurant   | Monday to Saturday; 10:00 - 01:00   Sunday; 12:00 - 01:00   |
| 15/03177/LIPDPS | Gerrard's Corner                 | 25 Gerrard Street London W1D 6JL                       | Restaurant   | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00   |
| 17/02049/LIPVM  | Queens Theatre                   | The Sondheim Theatre Shaftesbury Avenue London W1D 6BA | Theatre      | Monday to Sunday; 09:00 - 00:00   |
| 18/02061/LIPT   | Old Town 97                      | 19 Wardour Street London W1D 6PL                       | Restaurant   | Monday to Saturday; 10:00 - 04:00   Sunday; 12:00 - 04:00   |
| 16/10458/LIPVM  | Plum Valley                      | 20 Gerrard Street London W1D 6JQ                       | Restaurant   | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00   |
| 19/00971/LIPDPS | New Mayflower Chinese Restaurant | 68 - 70 Shaftesbury Avenue London W1D 6LY              | Restaurant   | Monday to Saturday; 10:00 - 04:00   Sunday; 11:00 - 04:00   |
| 17/02027/LIPVM  | The Gielgud Theatre              | The Gielgud Theatre Shaftesbury Avenue London W1D 6AR  | Theatre      | Monday to Sunday; 09:00 - 00:00   |
| 19/02307/LIPVM  | Not Recorded                     | 53 Shaftesbury Avenue London W1D 6LB                   | Not Recorded | Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00 |
| 16/06461/LIPD   | London Chinatown Restaurant      | 27 Gerrard Street London W1D 6JN                       | Restaurant   | Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00   |

|                 |                             |                                       |  |   |
|-----------------|-----------------------------|---------------------------------------|--|---|
| 19/03516/LIPDPS | White Horse<br>Public House | 45 Rupert<br>Street London<br>W1D 7PB | Pub or pub<br>restaurant<br>with lodge | Monday to<br>Saturday;<br>10:00 - 23:30  <br>Sunday; 12:00<br>- 23:00 |
|-----------------|-----------------------------|---------------------------------------|--|---|

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|                    |   |
|--------------------|---|
| Item No:           |   |
| Date:              | 14 November 2019  |
| Licensing Ref No:  | 19/09073/LIPN - New Premises Licence                            |
| Title of Report:   | Club Storm<br>28A Leicester Square<br>London<br>WC2H 7LE        |
| Report of:         | Director of Public Protection and Licensing                     |
| Wards involved:    | St James's  |
| Policy context:    | City of Westminster Statement of Licensing Policy               |
| Financial summary: | None  |
| Report Author:     | Michelle Steward<br>Senior Licensing Officer                    |
| Contact details    | Telephone: 0207 641 1872<br>Email: msteward1@westminster.gov.uk |

## 1. Application

| 1-A Applicant and premises        |  |                                |            |
|-----------------------------------|--|--------------------------------|------------|
| <b>Application Type:</b>          | New Premises Licence, Licensing Act 2003   |                                |            |
| <b>Application received date:</b> | 24 July 2019   |                                |            |
| <b>Applicant:</b>                 | London Property Company Limited  |                                |            |
| <b>Premises:</b>                  | Club Storm   |                                |            |
| <b>Premises address:</b>          | 28A Leicester Square<br>London<br>WC2H 7LE   | <b>Ward:</b>                   | St James's |
|                                   |  | <b>Cumulative Impact Area:</b> | West End   |
| <b>Premises description:</b>      | This is an application for a "shadow" licence on the same terms as premises licence 19/03134/LIPVM.  |                                |            |
| <b>Premises licence history:</b>  | The premises has had the benefit of a premises licence since 2017. The current premises licence, 19/03134/LIPVM is attached at Appendix 1 of this report and a full licence history can be seen at Appendix 3. |                                |            |
| <b>Applicant submissions:</b>     | There are no submissions from the applicant.   |                                |            |

| 1-B Proposed licensable activities and hours      |            |   |            |                                  |            |            |            |
|---|------------|---|------------|----------------------------------|------------|------------|------------|
| <b>Late Night Refreshment:</b>                    |            |   |            | <b>Indoors, outdoors or both</b> |            |            | Indoors    |
| <b>Day:</b>                                       | <b>Mon</b> | <b>Tues</b>   | <b>Wed</b> | <b>Thur</b>                      | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
| <b>Start:</b>                                     | 23:00      | 23:00   | 23:00      | 23:00                            | 23:00      | 23:00      | 23:00      |
| <b>End:</b>                                       | 03:00      | 03:00   | 03:00      | 03:00                            | 03:00      | 03:00      | 00:30      |
| <b>Seasonal variations/ Non-standard timings:</b> |            | <p>Sundays before bank holidays the permitted hours shall be extended until 02:00 hours the following morning.</p> <p>On the morning on which summertime begins the permitted hour shall be extended by 1 hour.</p> <p>From the end of permitted hours on New Year's Eve to 05:00 on New Years Day.</p> |            |                                  |            |            |            |

|   |            |  |            |                                  |            |            |            |
|---|------------|--|------------|----------------------------------|------------|------------|------------|
| <b>Live and Recorded Music, Performance of dance and anything of a similar description to theat falling within (e), (f) and (g)</b> |            |  |            | <b>Indoors, outdoors or both</b> |            |            | Indoors    |
| <b>Day:</b>   | <b>Mon</b> | <b>Tues</b>  | <b>Wed</b> | <b>Thur</b>                      | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
| <b>Start:</b>   | 09:00      | 09:00  | 09:00      | 09:00                            | 09:00      | 09:00      | 09:00      |
| <b>End:</b>   | 03:00      | 03:00  | 03:00      | 03:00                            | 03:00      | 03:00      | 00:30      |
| <b>Seasonal variations/ Non-standard timings:</b>   |            | <p>Sundays before bank holidays the permitted hours shall be extended until 02:00 hours the following morning.</p> <p>On the morning on which summertime begins the permitted hour shall be extended by 1 hour.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.</p> |            |                                  |            |            |            |

| Sale by retail of alcohol                         |       |       |       | On or off sales or both:   |       |       | On    |
|---|-------|-------|-------|--|-------|-------|-------|
| Day:  | Mon   | Tues  | Wed   | Thur   | Fri   | Sat   | Sun   |
| <b>Start:</b>                                     | 10:00 | 10:00 | 10:00 | 10:00  | 10:00 | 10:00 | 10:00 |
| <b>End:</b>                                       | 03:00 | 03:00 | 03:00 | 03:00  | 03:00 | 03:00 | 00:30 |
| <b>Seasonal variations/ Non-standard timings:</b> |       |       |       | <p>Sundays before bank holidays the permitted hours shall be extended until 02:00 hours the following morning.</p> <p>On the morning on which summertime begins the permitted hour shall be extended by 1 hour.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.</p> |       |       |       |

| Hours premises are open to the public             |       |       |       |  |       |       |       |
|---|-------|-------|-------|--|-------|-------|-------|
| Day:  | Mon   | Tues  | Wed   | Thur   | Fri   | Sat   | Sun   |
| <b>Start:</b>                                     | 09:00 | 09:00 | 09:00 | 09:00  | 09:00 | 09:00 | 09:00 |
| <b>End:</b>                                       | 03:30 | 03:30 | 03:30 | 03:30  | 03:30 | 03:30 | 01:00 |
| <b>Seasonal variations/ Non-standard timings:</b> |       |       |       | <p>Sundays before bank holidays the permitted hours shall be extended until 02:00 hours the following morning.</p> <p>On the morning on which summertime begins the permitted hour shall be extended by 1 hour.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.</p> |       |       |       |

## 2. Representations

| 2-A Responsible Authorities   |   |
|---|---|
| <b>Responsible Authority:</b>   | Metropolitan Police Service                       |
| <b>Representative:</b>  | PC Reaz Guerra                                    |
| <b>Received:</b>  | 31 July 2019                                      |
| <p>With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective. The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area. There is insufficient detail in the operating schedule to address the Crime Prevention Objective.</p> <p>It is for these reasons that we are objecting to the application.</p>  |   |
| <b>Responsible Authority:</b>   | Environmental Health Service ( <i>Withdrawn</i> ) |
| <b>Representative:</b>  | Ian Watson  |
| <b>Received:</b>  | 20 August 2019                                    |
| <p>I refer to the application for a New Premises Licence for the above premises.</p> <p><b>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</b></p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>1. To provide for the Supply of Alcohol 'On' the premises Monday to Saturday between 10.00 and 03.00 hours and Sunday between 10.00 to 00.30 hours. New Year's Eve to New Year's Day. One extra hour on the morning of British Summer Time. On Sundays before a Bank Holiday Monday till 02.00 hours.</li> <li>2. To provide Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 and 03.00 hours and Sunday between 23.00 to 00.30 hours. New Year's Eve to 05.00 hours. One extra hour on the morning of British Summer Time. On Sundays before a Bank Holiday Monday till 02.00 hours.</li> <li>3. To provide regulated entertainment 'indoors' comprising <ul style="list-style-type: none"> <li>• Live Music</li> <li>• Recorded Music</li> <li>• Performance of Dance</li> <li>• Anything of a similar description to Live Music, Recorded Music and Performance of Dance</li> </ul> <p>Monday to Saturday between 09.00 and 03.00 hours and Sunday between 09.00 to 00.30 hours. New Year's Eve to New Year's Day. One extra hour on the morning of British Summer Time. On Sundays before a Bank Holiday Monday till 02.00 hours.</p> </li> </ol> |   |





**Sale by retail of alcohol:** Monday to Saturday: 10:00 – 03:00  
Sunday: 10:00 – 00:30

**Opening Hours** Monday to Saturday: 09:00 – 03:30  
Sunday: 09:00 – 01:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and PB2.

The application has been made to be a 'shadow licence' to 19/03134/LIPVM. Paragraph 3.2.11 advises that applications that have been made for premises licences at premises where a licence is already in force. The "shadow licence" is made on the same terms to the licence already existing.

However paragraph 3.2.13 states that the council remains concerned however that the holding of additional licences has the potential to undermine the sanctions available to it in response to a review application under the Act. This would be the case if action was taken in respect of one of the licences in effect at the premises, but the premises continued to operate under the authority of a second licence which had not been affected by the review proceedings.

### 3. Policy & Guidance

|  |   |
|--|---|
| The following policies within the City Of Westminster Statement of Licensing Policy apply: |   |
| <b>Policy HRS1 applies</b>   | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u><br/> Monday to Thursday: 10:00 to 23:30<br/> Friday and Saturday: 10:00 to midnight<br/> Sundays immediately prior to Bank Holidays: Midday to midnight<br/> Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u><br/> Monday to Saturday: 08:00 to 23:00<br/> Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u><br/> Monday to Thursday: 09:00 to 23.30<br/> Friday and Saturday: 09:00 to midnight<br/> Sundays immediately prior to Bank Holidays: 09:00 to midnight<br/> Other Sundays: 09:00 to 22:30</p> |
| <b>Policy CIP1 applies</b>   | <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>  |
| <b>Policy MD2 applies</b>  | It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.i  |

### 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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 4. Appendices

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

|                       |   |
|-----------------------|---|
| <b>Report author:</b> | Michelle Steward<br>Senior Licensing Officer                    |
| <b>Contact:</b>       | Telephone: 0207 641 1872<br>Email: msteward1@westminster.gov.uk |

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

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

|          |   |                              |
|----------|---|------------------------------|
| <b>1</b> | Licensing Act 2003  | N/A                          |
| <b>2</b> | City of Westminster Statement of Licensing Policy                   | 7 <sup>th</sup> January 2016 |
| <b>3</b> | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018                   |
| <b>4</b> | Metropolitan Police Service   | 31 <sup>st</sup> July 2019   |
| <b>5</b> | Environmental Health Service ( <i>Withdrawn</i> )                   | 20 <sup>th</sup> August 2019 |
| <b>6</b> | Licensing Authority   | 21 <sup>st</sup> August 2019 |



None



Schedule 12  
Part A

WARD: St James's  
UPRN: 100023431689

## City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/03134/LIPVM

Original Reference:

17/04597/LIPN

### Part 1 – Premises details

#### Postal address of premises:

28A Leicester Square  
London  
WC2H 7LE

Telephone Number: Not Supplied

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

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Sale by Retail of Alcohol

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

##### Performance of Dance

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 00:30

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.

On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days

The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

##### Performance of Live Music

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 00:30

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.

On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days  
The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

**Playing of Recorded Music**

|                     |                |
|---------------------|----------------|
| Monday to Saturday: | 09:00 to 03:00 |
| Sunday              | 09:00 to 00:30 |

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.  
On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days  
The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

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

|                     |                |
|---------------------|----------------|
| Monday to Saturday: | 09:00 to 03:00 |
| Sunday:             | 09:00 to 00:30 |

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.  
On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days  
The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

**Late Night Refreshment**

|                     |                |
|---------------------|----------------|
| Monday to Saturday: | 23:00 to 03:00 |
| Sunday:             | 23:00 to 00:30 |

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.  
On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days  
The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

**Sale by Retail of Alcohol**

|                     |                |
|---------------------|----------------|
| Monday to Saturday: | 10:00 to 03:00 |
| Sunday:             | 10:00 to 00:30 |

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.  
On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days  
The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

**The opening hours of the premises:**

|                     |                |
|---------------------|----------------|
| Monday to Saturday: | 09:00 to 03:30 |
| Sunday:             | 09:00 to 01:00 |

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.  
On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days  
The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

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



Alcohol is supplied for consumption on the Premises.

## Part 2

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

London Property Company Limited  
1<sup>st</sup> Floor  
18-20 North Quay  
Douglas  
Isle of Man  
IM1 4LE

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

000781V

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

**Name:** Prakash Khatri

*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:** 15/02564/LAPER  
**Licensing Authority:** London Borough of Newham

**Date:** 26 July 2019

This licence has been authorised by Mr Kevin Jackaman on behalf of the Director - Public Protection and Licensing.

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority

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

None

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

10. Prior to 23:00 customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
11. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
12. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 235 persons.
13. 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.
14. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.
15. There shall be no striptease or nudity, and all other persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
16. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
17. The sale of alcohol shall be ancillary to the use of the premises for music and dancing and substantial refreshment.
18. The consumption of alcohol on the premises shall cease 30 minutes after the terminal hour for the sale of alcohol.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
20. 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.
21. An incident log shall be kept at the premises, and made available on request to an authorised session 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
22. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of seventy 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from tables. Customers shall not be permitted to leave the table carrying such glass bottles or drink directly from the bottle. Notwithstanding this condition, with the written agreement of Westminster Police Licensing Team, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area

23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. All customers entering the premises shall have their ID scanned upon entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously showed identification at the premises). The details recorded shall include a live facial image capture of the customer and capture of the photographic identification produced. The details recorded by the ID scanner system shall be made available to the police and the Local Authority upon request'.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All emergency exit doors shall be available at all material times without the use of key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held en other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
32. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised are photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram or Military ID card.
33. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
34. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
35. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
36. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
37. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
38. From 21:00 hours, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), a minimum of 2 SIA door supervisors shall be on duty at the premises. A minimum of one shall be deployed at the entrance and shall wear a Body Worn Video Camera. Additional door supervisors shall be employed as determined by a documented management risk assessment taking cognizance of police advice of 1 SIA per 100 customers before 23.00hrs and 1 SIA per 50 customers thereafter, (or such other advice as may be given from time to time). At all times from 23:00 hours, 2 door supervisors shall be deployed at the entrance. The risk assessment to be made available upon request.

39. A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video 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.
40. A minimum of 5 SIA licensed door supervisors shall be on duty at the premises from 23.00hrs to close 7 days per week. A minimum of 2 on the entrance and 3 inside the premises (This is still subject to discussion based on what the premises is to become) Prior to this time door staff numbers will be at least a 1:100 ratio unless decided otherwise by a risk assessment conducted by a member of the venue's management team.
41. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business. A minimum of one to be wearing Body Worn Video throughout trading times and for 30 minutes after closing whilst dispersing
42. After 21.00hrs any persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system. Search wands will be used during all searches.
43. Body worn video systems used by the premises must be deployed immediately during any verbal altercation or use of force made by any member of staff
44. All staff engaged in the use of Body Worn Video shall receive relevant training to ensure they are confident in its use. A record will be kept on the premises of which staff have been trained. This record will be available to the relevant authority for inspection upon request
45. Where the premises are operating for a specific pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.
46. After 21:00, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
47. All externally promoted events held at the venue shall be notified to the Metropolitan Police by a risk assessment submitted within 14 days of the proposed event, or such less time as agreed with the Police. The risk assessment shall include all private and/or pre-booked events, including any promoters used. The risk assessment shall also include use of glass drinking vessels (as outlined as above).
48. After 23:00 hours, or such earlier time as deemed necessary following risk assessment, a search policy shall be implemented of customers entering the premises. Such policy to be documented having regard to police advice and shall be made available upon request.
49.
  - a) From 23:00 hours, a minimum of 2 door supervisors shall be deployed with Body Worn Video Camera, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. The video cameras shall be used until 30 minutes after closing whilst customers are dispersing.
  - b) All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period.
  - c) A Body worn video system shall be deployed immediately during any verbal altercation or use of force made by any member of door staff.



- d) All door staff engaged in the use of Body Worn Video shall receive relevant training to ensure that they are confident in its use. A record shall be kept on the premises of which door staff have been trained. This record will be available to the Police or Licensing Authority for inspection upon request.
  
- 50. There shall be no admittance or re-admittance to the premises after 01:00 hours except for patrons permitted to temporarily leave the premises to smoke.
  
- 51. In the event that a serious assault is committed on the premises (or appears to be committed) the management will immediately ensure that a) the police (and, where appropriate, the London Ambulance Service) are called without delay; b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police; c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.





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

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

19/03134/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

28A Leicester Square  
London  
WC2H 7LE

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 00:30

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.  
On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days  
The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

**Performance of Live Music**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 00:30

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.  
On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days  
The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

**Playing of Recorded Music**

Monday to Saturday: 09:00 to 03:00  
Sunday 09:00 to 00:30

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.

On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days

The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

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

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 00:30

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.

On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days

The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:00  
Sunday: 23:00 to 00:30

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.

On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days

The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 03:00  
Sunday: 10:00 to 00:30

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.

On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days

The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 01:00

Non-standard Timings: On the morning on which summertime begins the permitted hour shall be extended by 1 hour.

On Sundays immediately before Bank Holiday Mondays the permitted hours shall extend until 02:00 hours the following days

The permitted hours on New Year's Eve will extend to the start of the permitted hours on New Year's Day.

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

Alcohol is supplied for consumption on the Premises.

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

London Property Company Limited  
1<sup>st</sup> Floor  
18-20 North Quay  
Douglas  
Isle of Man  
IM1 4LE

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

000781V

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

**Name:** Prakash Khatri

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

Restricted

**Date:** 26 July 2019

**This licence has been authorised by Mr Kevin Jackaman on behalf of the Director - Public Protection and Licensing.**

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

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

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

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

### Mandatory Conditions

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

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority



## Conditions consistent with the operating schedule

10. Prior to 23:00 customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
11. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
12. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 235 persons.
13. 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.
14. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.
15. There shall be no striptease or nudity, and all other persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
16. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
17. The sale of alcohol shall be ancillary to the use of the premises for music and dancing and substantial refreshment.
18. The consumption of alcohol on the premises shall cease 30 minutes after the terminal hour for the sale of alcohol.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
20. 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.
21. An incident log shall be kept at the premises, and made available on request to an authorised session 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
22. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being

served, with the exception of champagne or bottles of spirits with a minimum size of seventy 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from tables. Customers shall not be permitted to leave the table carrying such glass bottles or drink directly from the bottle. Notwithstanding this condition, with the written agreement of Westminster Police Licensing Team, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area

23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. All customers entering the premises shall have their ID scanned upon entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously showed identification at the premises). The details recorded shall include a live facial image capture of the customer and capture of the photographic identification produced. The details recorded by the ID scanner system shall be made available to the police and the Local Authority upon request'.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All emergency exit doors shall be available at all material times without the use of key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held en other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
32. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised are photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram or Military ID card.
33. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
34. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
35. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

36. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
37. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
38. From 21:00 hours, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), a minimum of 2 SIA door supervisors shall be on duty at the premises. A minimum of one shall be deployed at the entrance and shall wear a Body Worn Video Camera. Additional door supervisors shall be employed as determined by a documented management risk assessment taking cognizance of police advice of 1 SIA per 100 customers before 23.00hrs and 1 SIA per 50 customers thereafter, (or such other advice as may be given from time to time). At all times from 23:00 hours, 2 door supervisors shall be deployed at the entrance. The risk assessment to be made available upon request.
39. A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video 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.
40. A minimum of 5 SIA licensed door supervisors shall be on duty at the premises from 23.00hrs to close 7 days per week. A minimum of 2 on the entrance and 3 inside the premises (This is still subject to discussion based on what the premises is to become) Prior to this time door staff numbers will be at least a 1:100 ratio unless decided otherwise by a risk assessment conducted by a member of the venue's management team.
41. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business. A minimum of one to be wearing Body Worn Video throughout trading times and for 30 minutes after closing whilst dispersing
42. After 21.00hrs any persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system. Search wands will be used during all searches.
43. Body worn video systems used by the premises must be deployed immediately during any verbal altercation or use of force made by any member of staff
44. All staff engaged in the use of Body Worn Video shall receive relevant training to ensure they are confident in its use. A record will be kept on the premises of which staff have been trained. This record will be available to the relevant authority for inspection upon request
45. Where the premises are operating for a specific pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.

46. After 21:00, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
47. All externally promoted events held at the venue shall be notified to the Metropolitan Police by a risk assessment submitted within 14 days of the proposed event, or such less time as agreed with the Police. The risk assessment shall include all private and/or pre-booked events, including any promoters used. The risk assessment shall also include use of glass drinking vessels (as outlined as above)'.  
.
48. After 23:00 hours, or such earlier time as deemed necessary following risk assessment, a search policy shall be implemented of customers entering the premises. Such policy to be documented having regard to police advice and shall be made available upon request.
49.
  - a) From 23:00 hours, a minimum of 2 door supervisors shall be deployed with Body Worn Video Camera, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. The video cameras shall be used until 30 minutes after closing whilst customers are dispersing.
  - b) All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period.
  - c) A Body worn video system shall be deployed immediately during any verbal altercation or use of force made by any member of door staff.
  - d) All door staff engaged in the use of Body Worn Video shall receive relevant training to ensure that they are confident in its use. A record shall be kept on the premises of which door staff have been trained. This record will be available to the Police or Licensing Authority for inspection upon request.
50. There shall be no admittance or re-admittance to the premises after 01:00 hours except for patrons permitted to temporarily leave the premises to smoke.
51. In the event that a serious assault is committed on the premises (or appears to be committed) the management will immediately ensure that a) the police (and, where appropriate, the London Ambulance Service) are called without delay; b) all measures that a reasonably practicable are taken to apprehend any suspects pending the arrival of the police; c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

**Conditions proposed by the Environmental Health**

None

**Conditions proposed by the Police**

None

**Residential Map and List of Premises in the Vicinity**

**Appendix 5**



Resident Count: 118

| <b>Licenced Premises within 75 metres of Club Storm, 28A Leicester Square, London, WC2H 7LE</b> |                     |   |                                |  |
|---|---------------------|---|--------------------------------|--|
| <b>Licence Number</b>   | <b>Trading Name</b> | <b>Address</b>                                | <b>Premises Type</b>           | <b>Time Period</b>   |
| 18/07437/LIPVM  | Moon Under Water    | 28 Leicester Square<br>London<br>WC2H 7LE     | Public house or pub restaurant | Monday to Thursday;<br>07:00 - 23:30  <br>Friday to Saturday;<br>07:00 - 00:00  <br>Sunday; 07:00 - 22:50  <br>Sundays before Bank<br>Holidays;<br>07:00 - 00:00 |
| 19/03134/LIPVM  | Club Storm          | 28A<br>Leicester Square<br>London<br>WC2H 7LE | Night clubs and discos         | Monday; 09:00 - 03:30  <br>Monday to Wednesday;<br>09:00 - 03:30  <br>Tuesday;<br>09:00 - 03:30  <br>Wednesday;<br>09:00 - 03:30  <br>Thursday;<br>09:00 - 03:30 |

|                 |                                |   |              |   |
|-----------------|--------------------------------|---|--------------|---|
|                 |                                |   |              | Thursday to Saturday;<br>09:00 - 06:00  <br>Friday; 09:00 - 03:30  <br>Saturday;<br>09:00 - 03:30  <br>Sunday; 09:00 - 01:00  |
| 19/10149/LIPVM  | TGI Fridays                    | 29-30<br>Leicester Square<br>London<br>WC2H 7LA   | Not Recorded | Monday; 09:00 - 01:30  <br>Tuesday;<br>09:00 - 01:30  <br>Wednesday;<br>09:00 - 01:30  <br>Thursday;<br>09:00 - 01:30  <br>Friday; 09:00 - 01:30  <br>Sunday; 09:00 - 01:00  <br>Sundays before Bank Holidays;<br>09:00 - 01:30 |
| 18/05674/LIPDPS | Global Radio                   | 29-30<br>Leicester Square<br>London<br>WC2H 7LA   | Office       | Monday to Friday; 07:00 - 00:00   |
| 19/05778/LIPCH  | Odeon Cinema                   | 24 - 27<br>Leicester Square<br>London<br>WC2H 7JY | Cinema       | Monday to Sunday; 00:00 - 00:00   |
| 19/02589/LIPDPS | Stephanos Cafe<br>La Chandelle | 2-3 Irving Street<br>London<br>WC2H 7AT           | Restaurant   | Monday to Saturday;<br>08:00 - 00:30  <br>Sunday; 08:00 - 00:00   |
| 16/00395/LIPT   | Maharaja Of India              | 19A Charing Cross Road<br>London<br>WC2H 0ET      | Restaurant   | Monday to Saturday;<br>10:00 - 23:30  <br>Sunday; 12:00 - 23:00   |

|                 |                 |  |                        |   |
|-----------------|-----------------|--|------------------------|---|
| 19/04918/LIPVM  | Il Padrino      | 6-7 Irving Street<br>London<br>WC2H 7AT  | Not Recorded           | Monday; 10:00 - 05:00  <br>Tuesday;<br>10:00 - 05:00  <br>Wednesday;<br>10:00 - 05:00  <br>Thursday;<br>10:00 - 05:00  <br>Friday; 10:00 - 05:00  <br>Sunday; 11:00 - 01:30 |
| 18/01279/LIPDPS | Saravana Bhavan | 17 Charing Cross Road<br>London<br>WC2H 0EP  | Restaurant             | Monday to Sunday; 10:00 - 00:30   |
| 18/14488/LIPT   | Wox             | 8 Irving Street<br>London<br>WC2H 7AT  | Cafe                   | Monday to Saturday;<br>23:00 - 05:00  |
| 10/05756/LIPN   | Pompidou        | 9A Irving Street<br>London<br>WC2H 7AT   | Cafe                   | Monday to Saturday;<br>07:00 - 23:30  <br>Sunday; 09:00 - 23:00   |
| 06/12648/WCCMAC | Beefsteak Club  | Basement To First Floor 9 Irving Street<br>London<br>WC2H 7AH                                  | Club or institution    | Monday to Friday; 17:30 - 23:30  <br>Monday to Friday; 13:00 - 15:00  |
| 17/12395/LIPVM  | Not Recorded    | 9A Irving Street<br>London<br>WC2H 7AT   | Cafe                   | Monday to Saturday;<br>08:00 - 23:30  <br>Sunday; 08:00 - 23:00   |
| 18/09520/LIPDPS | Bella Italia    | 10 Irving Street<br>London<br>WC2H 7AT   | Restaurant             | Monday to Saturday;<br>09:00 - 01:00  <br>Sunday; 09:00 - 00:00  <br>Sundays before Bank Holidays;<br>09:00 - 01:00   |
| 18/12523/LIPT   | Assembly Hotel  | Basement And Ground Floor Part Alhambra House 27 - 31 Charing Cross Road<br>London<br>WC2H 0AU | Hotel, 3 star or under | Monday to Thursday;<br>10:00 - 00:00  <br>Friday to Saturday;<br>10:00 - 01:00  <br>Sunday; 10:00 - 22:30   |

|                 |                          |   |                               |   |
|-----------------|--------------------------|---|-------------------------------|---|
| 15/07167/LIPDPS | Bella Italia             | 22 Leicester Square<br>London                                       | Restaurant                    | Monday to Saturday;<br>09:00 - 01:00  <br>Sunday; 09:00 - 00:00  <br>Sundays before Bank Holidays;<br>09:00 - 01:00                     |
| 18/09120/LIPDPS | Radisson Hampshire Hotel | 31-36 Leicester Square<br>London<br>WC2H 7LH                        | Hotel, 4+ star or major chain | Monday to Sunday; 00:01 - 00:00   |
| 18/14963/LIPDPS | MOD Pizza                | 17 - 18 Irving Street<br>London<br>WC2H 7AU                         | Restaurant                    | Monday to Saturday;<br>07:00 - 00:30  <br>Sunday; 07:00 - 00:00  <br>Christmas Eve;<br>07:00 - 02:30  <br>New Year's Eve; 07:00 - 07:00 |
| 18/15312/LIPDPS | Chiquitos                | 20 - 21 Leicester Square<br>London<br>WC2H 7JX                      | Restaurant                    | Monday to Wednesday;<br>08:00 - 00:30  <br>Thursday to Saturday;<br>08:00 - 01:00  <br>Sunday; 08:00 - 00:00                            |
| 17/09529/LIPN   | Not Recorded             | Basement And Ground Floor 16 Irving Street<br>London<br>WC2H 7AU    | Restaurant                    | Monday to Saturday;<br>07:00 - 01:00  <br>Sunday; 07:00 - 00:00  <br>Christmas Eve;<br>07:00 - 02:30  <br>New Year's Eve; 07:00 - 07:00 |
| 18/09424/LIPDPS | Garfunkels Restaurants   | Ground Floor 19 - 20 Irving Street<br>London<br>WC2H 7RR            | Restaurant                    | Monday to Saturday;<br>10:00 - 00:30  <br>Sunday; 12:00 - 00:00   |
| 19/00179/LIPT   | The Halal Guys           | Basement And Ground Floor 14-15 Irving Street<br>London<br>WC2H 7AU | Restaurant                    | Monday to Saturday;<br>10:00 - 23:30  <br>Sunday; 23:30 - 23:00   |
| 17/00808/LIPDPS | Wagamama                 | 14A Irving Street<br>London   | Restaurant                    | Monday to Saturday;<br>10:00 - 00:30  |



|                 |                           |   |                                  |   |
|-----------------|---------------------------|---|----------------------------------|---|
|                 |                           | WC2H 7AF  |                                  | Sunday; 12:00 - 00:00   |
| 19/01132/LIPVM  | Steak & Co                | Ground Floor 3 - 5 Charing Cross Road London WC2H 0HA                     | Restaurant                       | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00   |
| 19/08299/LIPDPS | The Zoo Bar And Club      | Basement And Ground Floor Cameo House 13 - 17 Bear Street London WC2H 7AS | Night clubs and discos           | Monday to Saturday; 09:00 - 02:30   Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 01:00   Sundays before Bank Holidays; 09:00 - 02:30                                   |
| 19/02802/LIPVM  | K. S. Food And Wine       | Ground Floor 35 Charing Cross Road London WC2H 0AT                        | Shop                             | Monday; 08:00 - 05:00   Tuesday; 08:00 - 05:00   Wednesday; 08:00 - 05:00   Thursday; 08:00 - 05:00   Friday; 08:00 - 05:00   Saturday; 08:00 - 05:00   Sunday; 08:00 - 05:00 |
| 06/05390/WCCMAP | Leicester Square Gardens  | Open Space At Leicester Square London WC2H 7LE                            | Park / Open Space                | Monday to Saturday; 07:30 - 22:30   Sunday; 08:00 - 22:30   |
| 19/08300/LIPDPS | Zoo Too                   | 18 Bear Street London WC2H 7AX  | Pub or pub restaurant with lodge | Monday to Wednesday; 10:00 - 00:00   Thursday; 10:00 - 01:00   Friday to Saturday; 10:00 - 02:00   Sunday; 12:00 - 23:00  |
| 18/05898/LIPDPS | Bear & Staff Public House | 10 - 12 Bear Street London WC2H 7AX                                       | Public house or pub restaurant   | Monday to Thursday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30   Friday to Saturday;   |

|                 |                     |   |                                   |  |
|-----------------|---------------------|---|-----------------------------------|--|
|                 |                     |   |                                   | 07:00 - 00:00  <br>Sunday; 07:00<br>- 00:00  <br>Sunday; 07:00<br>- 22:30  <br>Sundays<br>before Bank<br>Holidays;<br>07:00 - 00:00  |
| 17/07548/LIPVM  | Burger King         | 17-18<br>Leicester<br>Square<br>London<br>WC2H 7LE  | Restaurant                        | Monday to<br>Sunday; 23:00<br>- 03:00  |
| 17/05123/LIPVM  | Pizza Hut           | 19 Leicester<br>Square<br>London<br>WC2H 7LE        | Restaurant                        | Monday to<br>Thursday;<br>10:00 - 02:00  <br>Friday to<br>Saturday;<br>10:00 - 05:00  <br>Sunday; 12:00<br>- 02:00   |
| 18/14578/LIPDPS | The Garrick<br>Arms | 8-10<br>Charing<br>Cross Road<br>London<br>WC2H 0HG | Public house or<br>pub restaurant | Monday to<br>Thursday;<br>08:00 - 23:30  <br>Friday to<br>Saturday;<br>08:00 - 00:00  <br>Sunday; 08:00<br>- 22:30  <br>Sundays<br>before Bank<br>Holidays;<br>08:00 - 00:00 |

# Agenda Item 4

## Licensing Sub-Committee Report

|                    |  |
|--------------------|--|
| Item No:           |  |
| Date:              | 14 November 2019   |
| Licensing Ref No:  | 19/09071/LIPN - New Premises Licence   |
| Title of Report:   | Basement<br>21 Rupert Street<br>London   |
| Report of:         | Director of Public Protection and Licensing  |
| Wards involved:    | St James's   |
| Policy context:    | City of Westminster Statement of Licensing Policy  |
| Financial summary: | None   |
| Report Author:     | Kevin Jackaman<br>Senior Licensing Officer   |
| Contact details    | Telephone: 0207641 8094<br>Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@westminster.gov.uk</a> |

## 1. Application

| 1-A Applicant and premises        |  |                                |            |
|-----------------------------------|--|--------------------------------|------------|
| <b>Application Type:</b>          | New Premises Licence, Licensing Act 2003   |                                |            |
| <b>Application received date:</b> | 24 July 2019   |                                |            |
| <b>Applicant:</b>                 | London Trocadero (2015) LLP  |                                |            |
| <b>Premises:</b>                  | Opium  |                                |            |
| <b>Premises address:</b>          | Basement<br>21 Rupert Street<br>London<br>W1D 7PJ  | <b>Ward:</b>                   | St James's |
|                                   |  | <b>Cumulative Impact Area:</b> | West End   |
| <b>Premises description:</b>      | According to the application form, the application is for a 'shadow licence' on the exact same terms as premises licence 18/13366/LIPDPS. Since submission of the application, the primary licence has been revoked and therefore the application is no longer a shadow licence application. |                                |            |
| <b>Premises licence history:</b>  | A premises licence is currently in existence at the premises under reference 18/13366/LIPDPS. A copy of this licence is attached as appendix 4.  |                                |            |
| <b>Applicant submissions:</b>     | None   |                                |            |

| 1-B Proposed licensable activities and hours  |   |             |            |                                  |            |            |            |
|---|---|-------------|------------|----------------------------------|------------|------------|------------|
| <b>Plays, films, live music, recorded music, performances of dance and anything of a similar description:</b> |   |             |            | <b>Indoors, outdoors or both</b> |            |            | Indoors    |
| <b>Day:</b>   | <b>Mon</b>  | <b>Tues</b> | <b>Wed</b> | <b>Thur</b>                      | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
| <b>Start:</b>   | 09:00   | 09:00       | 09:00      | 09:00                            | 09:00      | 09:00      | 09:00      |
| <b>End:</b>   | 03:00   | 03:00       | 03:00      | 03:00                            | 03:00      | 03:00      | 03:00      |
| <b>Seasonal variations/ Non-standard timings:</b>   | An additional hour on the morning that British Summer Time commences.<br>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. |             |            |                                  |            |            |            |

|   |   |             |            |                                  |            |            |            |
|---|---|-------------|------------|----------------------------------|------------|------------|------------|
| <b>Late Night Refreshment:</b>                    |   |             |            | <b>Indoors, outdoors or both</b> |            |            | Indoors    |
| <b>Day:</b>                                       | <b>Mon</b>  | <b>Tues</b> | <b>Wed</b> | <b>Thur</b>                      | <b>Fri</b> | <b>Sat</b> | <b>Sun</b> |
| <b>Start:</b>                                     | 23:00   | 23:00       | 23:00      | 23:00                            | 23:00      | 23:00      | 23:00      |
| <b>End:</b>                                       | 03:00   | 03:00       | 03:00      | 03:00                            | 03:00      | 03:00      | 03:00      |
| <b>Seasonal variations/ Non-standard timings:</b> | An additional hour on the morning that British Summer Time commences.<br>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. |             |            |                                  |            |            |            |

|                                  |                 |                              |                 |
|----------------------------------|-----------------|------------------------------|-----------------|
| <b>Sale by retail of alcohol</b> | <b>page 140</b> | <b>or off sales or both:</b> | On the premises |
|----------------------------------|-----------------|------------------------------|-----------------|

| Day:  | Mon   | Tues  | Wed   | Thur  | Fri   | Sat   | Sun   |
|---|---|-------|-------|-------|-------|-------|-------|
| <b>Start:</b>                                     | 10:00   | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 |
| <b>End:</b>                                       | 03:00   | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 |
| <b>Seasonal variations/ Non-standard timings:</b> | An additional hour on the morning that British Summer Time commences.<br>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             |   |       |       |       |       |       |       |
|---|---|-------|-------|-------|-------|-------|-------|
| Day:  | Mon   | Tues  | Wed   | Thur  | Fri   | Sat   | Sun   |
| <b>Start:</b>                                     | 09:00   | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| <b>End:</b>                                       | 03:00   | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 |
| <b>Seasonal variations/ Non-standard timings:</b> | An additional hour on the morning that British Summer Time commences.<br>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. |       |       |       |       |       |       |

## 2. Representations

| 2-A Responsible Authorities   |                             |
|---|-----------------------------|
| <b>Responsible Authority:</b>   | Metropolitan Police Service |
| <b>Representative:</b>  | Reaz Guerra                 |
| <b>Received:</b>  | 1 August 2019               |
| <p>With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.</p> <p>The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>There is insufficient detail in the operating schedule to address the Crime Prevention Objective.</p> <p>It is for these reasons that we are objecting to the application</p> |                             |
| <b>Responsible Authority:</b>   | Licensing Authority         |
| <b>Representative:</b>  | Angela Seaward              |
| <b>Received:</b>  | 21 August 2019              |
| <p>I write in relation to the application submitted for a new premises licence for Basement, 21 Rupert Street, London, W1D 7PJ.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority has considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> </ul>  |                             |

- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from harm

The application seeks the following Licensable Activities:

|   |                     |               |
|---|---------------------|---------------|
| <b>Performance of Dance</b>   | Monday to Sunday:   | 09:00 – 03:00 |
| <b>Exhibition of Film:</b>  | Monday to Sunday:   | 09:00 – 03:00 |
| <b>Performance of Live Music:</b>   | Monday to Sunday:   | 09:00 – 03:00 |
| <b>Playing of Recorded Music:</b>   | Monday to Sunday:   | 09:00 – 03:00 |
| <b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance:</b> |                     |               |
| <b>Performance of a Play:</b>   | Monday to Sunday:   | 09:00 – 03:00 |
| <b>Late Night Refreshment:</b>  | Monday to Sunday:   | 23:00 – 03:00 |
| <b>Sale by retail of alcohol:</b>   | Monday to Saturday: | 10:00 – 03:00 |
|   | Sunday:             | 12:00 – 00:30 |
| <b>Opening Hours</b>  | Monday to Sunday:   | 07:00 – 03:00 |

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and PB2.

The application has been made to be a 'shadow licence' to 18/13366/LIPDPS. Paragraph 3.2.11 advises that applications that have been made for premises licences at premises where a licence is already in force. The "shadow licence" is made on the same terms to the licence already existing.

However paragraph 3.2.13 states that The council remains concerned however that the holding of additional licences has the potential to undermine the sanctions available to it in response to a review application under the Act. This would be the case if action was taken in respect of one of the licences in effect at the premises, but the premises continued to operate under the authority of a second licence which had not been affected by the review proceedings.

The council remains concerned however that the holding of additional licences has the potential to undermine the sanctions available to it in response to a review application under the Act. This would be the case if action was taken in respect of one of the licences in effect at the premises, but the premises continued to operate under the authority of a second licence which had not been affected by the review proceedings.

The Licensing Authority therefore has made representation to this application and will discuss further from the applicant

### 3. Policy & Guidance

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

|                           |   |
|---------------------------|---|
| <b>Policy CP1 applies</b> | <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p> |
|---------------------------|---|

|                                   |   |
|-----------------------------------|---|
| <p><b>Policy HRS1 applies</b></p> | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u><br/> Monday to Thursday: 10:00 to 23:30<br/> Friday and Saturday: 10:00 to midnight<br/> Sundays immediately prior to Bank Holidays: Midday to midnight<br/> Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u><br/> Monday to Thursday: 09:00 to 23.30<br/> Friday and Saturday: 09:00 to midnight<br/> Sundays immediately prior to Bank Holidays: 09:00 to midnight<br/> Other Sundays: 09:00 to 22:30</p> |
| <p><b>Policy PB2 applies</b></p>  | <p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</p>  |
| <p><b>Policy MD2 applies</b></p>  | <p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

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

|                       |   |
|-----------------------|---|
| <b>Report author:</b> | Kevin Jackaman<br>Senior Licensing Officer                      |
| <b>Contact:</b>       | Telephone: 0207 641 8094<br>Email: kjackaman@westminster.gov.uk |

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

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

|          |   |                |
|----------|---|----------------|
| <b>1</b> | Licensing Act 2003  | N/A            |
| <b>2</b> | City of Westminster Statement of Licensing Policy                   | 7 January 2016 |
| <b>3</b> | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018     |
| <b>4</b> | Metropolitan Police Service Representation                          | 1 August 2019  |
| <b>5</b> | Licensing Authority Representation                                  | 21 August 2019 |



NOTE  
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ALL STRUCTURAL ELEMENTS (BEAMS, COLUMNS, FLOORS AND WALLS) SHOULD ACHIEVE 90MIN FIRE RESISTANCE WHERE NOT ACTING AS COMPARTMENT LINES  
COMPARTMENT LINES MANDATORY ABOVE CEILING TO COMPARTMENTALIZE THE SPACE AT A MAXIMUM DISTANCE OF 20 METERS IN THE 2 PERPENDICULAR DIRECTIONS  
ELECTRICAL CABINETS ARE MANDATORY ABOVE CEILING TO COMPARTMENTALIZE THE SPACE AT A MAXIMUM DISTANCE OF 20 METERS IN THE 2 PERPENDICULAR DIRECTIONS  
DIMENSIONS, DEPENDING ON FINAL DESIGN, THIS STATEMENT CAN BE REVIEWED



| Room Number                 | Width | DOOR SCHEDULE  |                 |
|-----------------------------|-------|----------------|-----------------|
|                             |       | 1000mm x 850mm | 1000mm x 2100mm |
| Emergency exit B.01         | 1.30  | FD03S          | yes             |
| Emergency exit B.02         | 1.30  | FD03S          | yes             |
| Electrical room B.03        | 0.72  | FD03S          | no              |
| Clean room lobby B.04       | 0.72  | FD03S          | no              |
| Access from toilets B.05    | 0.72  | FD03S          | no              |
| Access from kitchen B.06    | 0.72  | FD03S          | no              |
| Exit from kitchen B.08      | 0.72  | FD03S          | no              |
| Exit from kitchen B.09      | 0.72  | FD03S          | no              |
| Exit from basement - 1 B.09 | 0.72  | FD03S          | no              |



All licensable activities occur within the premises as shown on the plans  
Loose furniture is indicative only

**varo consulting**  
154-160 Park Street, ECLIPSE, LONDON  
www.varoconsulting.com

Drawn: **OPIMUM DISCO, 9 RUPERT STREET, PROJECT LONDON, UK**

**LICENCE DRAWING**

|                |          |          |                        |            |     |
|----------------|----------|----------|------------------------|------------|-----|
| Date           | 25/09/18 | Drawn by | JL                     | Checked by | RNI |
| Drawing Status |          | Scale    | @A1 1:100<br>@A3 1:200 |            |     |
| Rev            |          |          |                        |            |     |

Schedule 12  
Part AWARD: St James's  
UPRN: 010033615435**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

18/13366/LIPDPS

Original Reference:

11/02631/LIPN

**Part 1 – Premises details****Postal address of premises:**Opium  
Basement  
21 Rupert Street  
London  
W1D 7PJ**Telephone Number:** Not Supplied**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol**The times the licence authorises the carrying out of licensable activities:****Performance of Dance**Monday to Sunday: 09:00 to 03:00  
Non-standard Timings: See conditions 39 to 40**Exhibition of a Film**Monday to Sunday: 09:00 to 03:00  
Non-standard Timings: See conditions 38 & 39**Performance of Live Music**Monday to Sunday: 09:00 to 03:00  
Non-standard Timings: See conditions 38 & 39**Playing of Recorded Music**Monday to Sunday: 09:00 to 03:00  
Non-standard Timings: See conditions 38 & 39**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**Monday to Sunday: 09:00 to 03:00  
Non-standard Timings: See conditions 38 & 39

**Performance of a Play**

Monday to Sunday: 09:00 to 03:00  
Non-standard Timings: See conditions 38 & 39

**Late Night Refreshment**

Monday to Sunday: 23:00 to 03:00  
Non-standard Timings: See conditions 38 & 40

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 00:30  
Non-standard Timings: See conditions 38 & 39

**The opening hours of the premises:**

Monday to Sunday: 09:00 to 03:00

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

Alcohol is supplied for consumption on the Premises.

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

Opium London Ltd  
C/O Stone King Llp  
Boundary House  
91-93 Charterhouse Street  
London  
EC1M 6HR

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

11147750

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

**Name:** Eamonn Aidan Mulholland

*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:** 87963  
**Licensing Authority:** London Borough Of Islington

**Date:** 12 July 2019

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

## Annex 1 – Mandatory conditions

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$

Where -

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

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

## Annex 2 – Conditions consistent with the operating Schedule

11. All drinking containers used within the lounge/club area shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers will not be permitted to self serve or remove bottles from the tables. Customers will not be permitted to drink directly from champagne or spirit bottles. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises, as marked on the plans attached to the licence.
12. Notwithstanding condition 12 above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
13. All persons, with the exception of staff and security, shall have left the premises no later than 45 minutes after the permitted terminal hour for the retail sale of alcohol.
14. (a) When the premises are open all customers entering the nightclub/ lounge after 22:00 will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).

All customers entering shall have their facial image captured by the ID scanner camera except for person who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner.

The above requirement is subject to the following exceptions, namely that a maximum number of 25 guests per night may be admitted at the Managers discretion without necessarily ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:

- (i) The Police shall approve in writing the names of those managers (Police Approved Managers) who are authorised to sign in such guests, such approval shall not be unreasonably withheld. There shall be a maximum of three Police approved managers.
  - (ii) A legible record (the signing in sheet) of these guests name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the Police approved manager authorising the admission will also be recorded by that manager,
  - (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
  - (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Police Approved Manager may never the less permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.
- (b) Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 28 days after the event for inspection by the police and responsible authorities upon request.

- (c) Any customer attending the restaurant who then wishes to enter the nightclub shall have their identification scanned, subject to the above provisions of this condition.
  
- 15. For any pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 28 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.



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

16. The number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 500, with no more than 250 in the hatched area and no more than 250 in the un-hatched area.
17. Patrons shall be greeted by a member of the staff at the reception areas on both the ground and basement floors (as marked on the plans submitted) before being directed to the relevant area of the premises.
18. In the area marked 'restaurant' and marked as the hatched area on the plans alcohol shall not be sold or supplied on the premises otherwise than to persons seated taking table meals, by waitress service only and for consumption by such persons as ancillary to their meal.
19. The restaurant area of the premises (marked as the hatched area on the plans) shall be set out with tables and chairs at all times save for pre-booked or private events, details of which shall be forwarded to the Police at least 14 days (or such other time agreed with the Police in writing) in advance of the event.
20. There shall be waitress service throughout the entire premises at all times it is trading to the public.
21. There shall be no patrons permitted on the stage area as marked on the plans.
22. The provision of film shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. There shall be no consumption of alcohol outside the premises.
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
25. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
26. There shall be no removal of glasses or bottles from the premises by patrons when leaving.
27. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 and 07:30 hours.
28. No deliveries shall be made between the hours of 2300 hours and 0730 hours.
29. A noise limiter shall be fitted to the musical amplification system in agreement with and to the reasonable satisfaction of the Environmental Health Officer. The operational panel shall then be secured and the system will not be altered without the approval of the Environmental Health Officer.
30. No additional sound generation equipment shall be used on the premises without being routed through the noise limiter device.

31. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
32. There shall be no speakers situated or amplification of music or sound within the entrance lobby on the ground floor.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
34. Notices will be prominently displayed at the ground floors exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
35. Management will appoint dedicated taxi or licensed minicab companies and staff will offer to book the cars on behalf of patrons. After midnight all patrons who seek licensed vehicles to take them away will be encouraged to remain inside whilst the vehicle is summonsed.
36. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
37. The premises will participate in the Westminster Licensed premises shared radio scheme approved by Westminster City Council and the Metropolitan Police.
38. All Licensable Activities: When the hours authorised by the licence extend to a time later than 01:00am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after the authorised hour on the licence.
39. The permitted hours shall be extended on New Year's Eve until the start of permitted hours on New Year's Day, subject to the submission of a Metropolitan Police Risk Assessment Form 696 at least 14 days prior to the event.
40. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 hours on New Year's Day, subject to the submission of a Metropolitan Police Risk Assessment Form 696 at least 14 days prior to the event.
41. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.  
  
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
42. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided."
43. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

44. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
45. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
46. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
47. After 21:00, or as agreed with the Police in writing (and a copy of any agreement to be held at reception), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
48. After 21:00 Registered Door Supervisors shall ensure that the specified capacities are adhered to at all material times. Before 21:00 Registered Door Supervisors and/or staff shall ensure that the specified capacities are adhered to at all material times. A daily log is to be maintained to ensure that any capacity limit set is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or police officer on request.
49. Substantial food and suitable beverages other than alcohol (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
50. From Monday to Sunday after 23:00 all patrons attempting to gain re entry will be subject to a search. After 21:00 Monday to Sunday, upon entry all bags are to be opened and searched. A general search policy shall be implemented as agreed with the Westminster Police Licensing Team and documented. In accordance with the general search policy, searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of permitted hours or until there are no further admissions.
51. After 22:00 hours, unless otherwise agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) there shall be a minimum of two registered security staff on duty at the premises and an additional 1 registered security staff per additional 100 customers.
52. After 21:00, or as agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) any designated queuing and smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear and constantly monitored by security personnel and/or staff.
53. After 21:00 Monday to Sunday, or as agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) either (a) an attendant shall be on duty in any designated male and female toilets or (b) management shall check and monitor the male and female toilets every 30 mins. In relation to (b) the checks shall be recorded in writing and made available to the Police and Council officers upon request.
54. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) any complaints received regarding crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.

55. A representative of the premises licence holder shall attend the local Pub watch meetings.
56. The premises shall order cabs for patrons on request.
57. No striptease, no nudity and all persons to be decently attired.
58. There to be at least one personal licence holder on duty when the premises are open to the public.
59. No entry / Re entry (excluding persons exiting to smoke) to the premises after 02:00 hours or such time as agreed in writing by Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).
60. The lounge bar area shall predominantly be set out with tables and chairs at all times.
61. Whenever the VIP toilets in the basement lounge are in use there shall be a minimum of 1 SIA stationed in the VIP toilet lobby area.
62. A qualified medic shall be on duty on Friday and Saturday nights from midnight until the premises closes, whenever the basement lounge is in operation.
63. In the event that an assault is committed on the premises (or appears to have been committed) the management, on notification of such assault or apparent assault, will immediately ensure that:
  - (a) The police (and, where appropriate, the London Ambulance Service) are called without delay.
  - (b) All reasonably practicable efforts are taken to detain any suspect(s) pending the arrival of police.
  - (c) All reasonable practicable efforts are taken to preserve the crime scene so as to enable a full forensic investigation to be carried out by the police, unless otherwise notified by them.
  - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
64. On nights where the part or all of the premises is operating as a nightclub (not including corporate events, or when the restaurant only is open) a traffic marshal ('the marshal') shall be employed by the premises management from 22:00 until all customers have left the immediate vicinity of the premises to ensure, as far as reasonably practicable, there is no obstruction on Rupert Street in the immediate vicinity of the premises from customers or vehicles related to customers, of the premises. The marshal shall wear a high visibility jacket of a different colour to those worn by SIA door staff and marked 'traffic marshal' so as to be clearly identifiable in this role.
65. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
66. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the

course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.

# Annex 4 – Plans

**NOTE**  
DO NOT SCALE FROM THIS DRAWING  
CONCEPT DRAWING AND FORMS THE CONCEPT BRIEF TO THE  
PROJECT ARCHITECT  
OF INFORMATION CONTAINED WITHIN THIS DRAWING IS THE SOLE COPYRIGHT  
OF VARO CONSULTING AND IS NOT TO BE REPRODUCED WITHOUT PERMISSION.  
VARO CONSULTING IS TO BE NOTIFIED IMMEDIATELY OF ANY  
REPRODUCTION OR UNAUTHORIZED USE OF THIS DRAWING.  
DOOR SCHEDULE DRAWINGS MUST BE READ IN CONJUNCTION WITH  
DOOR AND DOOR DETAILS  
SCHEDULE AND DOOR DETAILS  
ALL STRUCTURAL ELEMENTS (BEAMS, COLUMNS, FLOORS AND  
WALLS) SHOULD ACHIEVE 90MIN FIRE RESISTANCE WHERE NOT ACTING  
AS PARTITION WALLS  
AS PARTITION WALLS  
CAVITY BARRIERS ARE MANDATORY ABOVE CEILING TO COMPARTMENTALIZE  
THE SPACE AT A MAXIMUM DISTANCE OF 30 METERS IN THE 2 REPRESENTED  
DIMENSIONS. DEPENDING ON FINAL DESIGN, THIS STATEMENT CAN BE  
REVIEWED

| Room           | Number | SI Unit | DOOR SCHEDULE | SI Unit | SI Unit | SI Unit | SI Unit | SI Unit | SI Unit | SI Unit |
|----------------|--------|---------|---------------|---------|---------|---------|---------|---------|---------|---------|
| Emergency exit | E11    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E12    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E13    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E14    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E15    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E16    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E17    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E18    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E19    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E20    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E21    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E22    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E23    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E24    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E25    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E26    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E27    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E28    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E29    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |
| Emergency exit | E30    | 2000    | 10300         | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   | 10300   |

**LEGEND**

- FIRE EXIT
- EMERGENCY EXIT WITH DIRECTIONAL ARROW
- ESCAPE ROUTE
- FIRE DOOR (FIRE RATED)
- MANUAL FIRE EXTINGUISHER
- MANUAL CALL POINT
- FIRE HOSE

**Fire Resistance Legend**

- 60 MIN Fire Rated Partitioning
- 30 MIN Fire Rated Partitioning

**GROUND FLOOR**

**Basement**

**Text:** All licensable activities occur within the premises as shown on the plans. Loose furniture is indicative only.

**VARO CONSULTING**  
100 RUPERT STREET, LONDON, UK

**LICENCE DRAWING**

|                |                           |          |    |            |     |
|----------------|---------------------------|----------|----|------------|-----|
| Date           | 25/09/18                  | Drawn by | JL | Checked by | RIN |
| Drawing Number | Scale @A1 1:100 @A3 1:200 |          |    |            |     |



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

Schedule 12  
Part B

WARD: St James's  
UPRN: 010033615435

Premises licence  
summary

Regulation 33, 34

Premises licence number:

18/13366/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Opium  
Basement  
21 Rupert Street  
London  
W1D 7PJ

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Sunday: 09:00 to 03:00  
Non-standard Timings: See conditions 39 to 40

**Exhibition of a Film**

Monday to Sunday: 09:00 to 03:00  
Non-standard Timings: See conditions 38 & 39

**Performance of Live Music**

Monday to Sunday: 09:00 to 03:00  
Non-standard Timings: See conditions 38 & 39

|  |                        |
|--|------------------------|
| <b>Playing of Recorded Music</b>   |                        |
| Monday to Sunday:  | 09:00 to 03:00         |
| Non-standard Timings:  | See conditions 38 & 39 |
| <b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b> |                        |
| Monday to Sunday:  | 09:00 to 03:00         |
| Non-standard Timings:  | See conditions 38 & 39 |
| <b>Performance of a Play</b>   |                        |
| Monday to Sunday:  | 09:00 to 03:00         |
| Non-standard Timings:  | See conditions 38 & 39 |
| <b>Late Night Refreshment</b>  |                        |
| Monday to Sunday:  | 23:00 to 03:00         |
| Non-standard Timings:  | See conditions 38 & 40 |
| <b>Sale by Retail of Alcohol</b>   |                        |
| Monday to Saturday:  | 10:00 to 03:00         |
| Sunday:  | 12:00 to 00:30         |
| Non-standard Timings:  | See conditions 38 & 39 |

|   |                |
|---|----------------|
| <b>The opening hours of the premises:</b> |                |
| Monday to Sunday:                         | 09:00 to 03:00 |

|  |  |
|--|--|
| <b>Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:</b> |  |
| Alcohol is supplied for consumption on the Premises.   |  |

|   |  |
|---|--|
| <b>Name and (registered) address of holder of premises licence:</b>   |  |
| Opium London Ltd<br>C/O Stone King Llp<br>Boundary House<br>91-93 Charterhouse Street<br>London<br>EC1M 6HR |  |

|   |  |
|---|--|
| <b>Registered number of holder, for example company number, charity number (where applicable)</b> |  |
| 11147750  |  |

|  |                         |
|--|-------------------------|
| <b>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:</b> |                         |
| <b>Name:</b>   | Eamonn Aidan Mulholland |



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

Restricted

**Date:** 12 July 2019

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

**LICENSING SUB-COMMITTEE No. 6***Thursday 19th September 2019*

Membership: Councillor Jacqui Wilkinson (Chairman), Councillor Jim Glen and Councillor Aicha Less

Legal Adviser: Horatio Chance

Policy Adviser: Aaron Hardy

Committee Officer: Tristan Fieldsend

Presenting Officer: Michelle Steward

Relevant Representations: Metropolitan Police and the Licensing Authority

Present: Mr Richard Wormold QC (Counsel, representing the Applicant), Mr Alun Thomas (Solicitor, representing the Applicant), Ms Cosmina Stan (Asset Manager of the Applicant Company), PC Brian Lewis (Metropolitan Police) and Ms Daisy Gadd (Licensing Authority)

**Basement, 21 Rupert Street, London, W1D 7PJ (“The Premises”)  
19/09071/LIPN**

**1. Sale by Retail of Alcohol – On Sales**

Monday to Sunday: 10:00 to 03:00

**Seasonal Variations/Non-Standard Timings:**

An additional hour on the morning that British Summer Time commences.

From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by London Trocadero (2015) LLP (“The Applicant”) for a new premises licence in respect of Basement, 21 Rupert Street, London, W1D 7PJ.

The Licensing officer introduced the application which was for a shadow licence on the exact same terms as the Premises licence. The Metropolitan Police were requesting that the application be adjourned and therefore the Sub-Committee would have to consider this preliminary issue before making a decision on the application.

PC Lewis, representing the Metropolitan Police, confirmed that they were requesting for the application to be adjourned. Following an extremely serious

incident at the Premises on 25 August 2019 an expedited review had been held. The circumstances of the incident were clearly linked to failings at the Premises and were so serious it had led to the endangerment of members of the public. At the expedited review hearing held on 30 August 2019 the Sub-Committee decided to take the interim steps of suspending the Premises Licence. On 23 September 2019 a full review hearing was scheduled where the Police would be seeking a revocation of the licence in order to act as deterrent. If the licence was revoked on 23 September 2019 then there would be no licence to shadow, which was what was being applied for in the application before the Sub-Committee today. If this application was granted, then that would undermine the interim steps taken previously.

PC Lewis explained that there were concerns over whether in regard to the incident the Applicant had acted responsibly. This required further detailed discussion at the hearing on 23 September 2019 before a shadow licence should be granted. In terms of the City Council's Statement of Licensing Policy (SLP) the granting of shadow licences were regarded as having the potential to undermine any sanctions imposed by a Sub-Committee. Therefore, the Police was of the opinion that it was vitally important to adjourn the application to a future date on the basis it was in the public interest to do so.

Mr Wormold, representing the Applicant, acknowledged that review proceedings were scheduled to take place on 23 September 2019 where the Police were seeking revocation of the licence held by the tenant. If the licence was revoked then that would result in the landlord having to make an application for a new licence in the Cumulative Impact Area (CIA), therefore making it unlikely for it to be granted on the same terms as currently permitted. To preserve the landlord's position in the event the tenant's licence was revoked a shadow licence application had been made to the Licensing Authority.

The Sub-Committee was advised by Mr Wormold that the Applicant was a responsible landlord who held a significant commercial interest in the Leicester Square area. They had invested substantial funds in redeveloping the Trocadero providing an upmarket offer including a 700-bedroom hotel. It was in their interest for the Premises in question to be operated responsibly to late hours, attracting an international clientele to a high-class nightclub. It was recognised that revocation of the licence was a potential sanction and this would have serious ramifications for the Applicant. It was stressed that it was the current tenant who had breached the conditions on the licence and if the licence was therefore revoked then it would be impossible in future to operate the Premises as a nightclub. It was stated that when the Premises Licence Holder was originally granted the licence, it was agreed for the Premises to run as a nightclub and Leicester Square was considered the ideal location for it. The shadow licence application had been submitted on 24 July 2019, a month prior to the serious incident in question. The Sub-Committee was advised that the application had been submitted as part of the Applicant's decision at board level to have shadow licences on all their Premises so that they were able to exert a greater degree of control over their properties. Currently, if the tenant held a licence but the landlord did not then the tenant had the position of power, a situation the landlord was hoping to address. This application was a deliberate

move by the Applicant, who was a responsible landlord, to become more involved in the licensing aspect of its Licensed Premises. If the application was to be adjourned by the Sub-Committee, then this application would fall away as there would be no licence to shadow.

Miss Gadd, representing the Licensing Authority, supported the Police's request to adjourn the application. It was confirmed that on 30 August 2019 the Sub-Committee had agreed to suspend the licence to prevent any licensable activities from taking place at the Premises until the review hearing scheduled for 23 September 2019. If the application for a shadow licence was granted licensable activities would be permitted at the Premises irrespective of any potential sanctions that may be imposed on 23 September 2019. Given that there was outstanding review proceedings for the Premises it was believed that it was in the public interest to adjourn the application until after the review hearing on 23 September 2019. This was so as not to undermine the review proceedings and interim steps taken by the Sub-Committee on 30 August 2019 to suspend the existing Premises licence.

The Legal Adviser to the Sub-Committee clarified for all parties that at the review hearing scheduled for 23 September 2019 the Sub-Committee had a range of options available to it under the provisions of the Licensing Act 2003 of which revocation was only one. Therefore, it did not automatically follow that the Sub-Committee would revoke the Premises Licence because each case had to be considered on its individual merits in light of the evidence before it.

The Sub-Committee very carefully considered the request from the Police to adjourn the application and considered that they, and the Licensing Authority, had both presented strong evidence as to why it should happen. It was acknowledged that the Applicant had expressed concerns about the outcome of the review hearing scheduled for 23 September 2019. However, the Sub-Committee was not in a position, and did not wish to, pre-judge what decision may be taken at this hearing. The Sub-Committee sitting on 23 September 2019 had wide-ranging powers and the suggestion by the Applicant that it might result in revocation of the licence was by no means certain. Having taken into account the evidence provided by all parties, it was considered that it was in the public interest to adjourn the application to a future date. This would ensure that the review proceedings and interim steps taken by the Sub-Committee on 30 August 2019 to suspend the existing premises licence would not be undermined.

**2. Late Night Refreshment - Indoors**

Monday to Sunday: 23:00 to 03:00

**Seasonal Variations/Non-Standard Timings:**

An additional hour on the morning that British Summer Time commences.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

|           |  |
|-----------|--|
|           |  |
|           | <p>Amendments to application advised at hearing:</p> <p>None.</p>  |
|           | <p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee adjourned the application (see reasons for decision in Section 1).</p>   |
| <b>3.</b> | <p><b>Plays, Films, Live Music, Recorded Music, Performances of Dance and anything of a Similar Description - Indoors</b></p> <p>Monday to Sunday: 09:00 to 03:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>An additional hour on the morning that British Summer Time commences.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> |
|           | <p>Amendments to application advised at hearing:</p> <p>None.</p>  |
|           | <p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee adjourned the application (see reasons for decision in Section 1).</p>   |
| <b>4.</b> | <p><b>Hours Premises are Open to the Public</b></p> <p>Monday to Sunday: 09:00 to 03:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>An additional hour on the morning that British Summer Time commences.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>   |
|           | <p>Amendments to application advised at hearing:</p> <p>None.</p>  |

Decision (including reasons if different from those set out in report):

The Sub-Committee adjourned the application (see reasons for decision in Section 1).

## Premises History - 18/13366/LIPDPS

## Appendix 4

| Application     | Details of Application   | Date Determined | Decision   |
|-----------------|--|-----------------|--|
| 11/02631/LIPN   | New premises licence   | 19.05.2011      | Granted by Licensing Sub Committee                       |
| 11/10475/LIPDPS | Variation of DPS   | 22.11.2011      | Granted under delegated authority                        |
| 12/05385/LIPDPS | Variation of DPS   | 07.08.2012      | Granted under delegated authority                        |
| 13/01284/LIPDPS | Variation of DPS   | 18.04.2013      | Granted under delegated authority                        |
| 13/03444/LIPVM  | Minor variation to add agreed conditions   | 05.06.2013      | Granted under delegated authority                        |
| 13/10223/LIPVM  | Minor variation to vary conditions   | 15.01.2014      | Granted under delegated authority                        |
| 14/06744/LIPVM  | Minor variation for change of layout   | 28.08.2014      | Granted under delegated authority                        |
| 14/07932/LIPVM  | Minor variation to vary conditions   | 08.10.2014      | Granted under delegated authority                        |
| 14/08524/LIPDPS | Variation of DPS   | 23.10.2014      | Granted under delegated authority                        |
| 14/08928/LIREVP | Review of the premises licence   | 11.12.2014      | Additional conditions imposed by Licensing Sub Committee |
| 14/10198/LIPDPS | Variation of DPS   | 14.01.2015      | Granted under delegated authority                        |
| 15/01087/LIPDPS | Variation of DPS   | 03.09.2015      | Granted under delegated authority                        |
| 15/04510/LIPDPS | Variation of DPS   | 03.09.2015      | Granted under delegated authority                        |
| 15/06970/LIPDPS | Variation of DPS   | 03.09.2015      | Granted under delegated authority                        |
| 16/00959/LIPDPS | Variation of DPS   | 10.02.2016      | Granted under delegated authority                        |
| 17/00665/LIPVM  | Minor variation to vary conditions   | 23.02.2017      | Granted under delegated authority                        |
| 17/02180/LIPDPS | Variation of DPS   | 10.05.2017      | Granted under delegated authority                        |
| 17/07306/LIPT   | Transfer of the premises licence – KPIP (UK) Limited to Camden Executive Limited | 11.10.2017      | Granted under delegated authority                        |

|                 |   |            |                                   |
|-----------------|---|------------|-----------------------------------|
| 17/09831/LIPVM  | Minor variation to vary conditions  | 25.09.2017 | Granted under delegated authority |
| 17/09850/LIPDPS | Variation of DPS  | 11.12.2017 | Granted under delegated authority |
| 17/14540/LIPDPS | Variation of DPS  | 15.01.2018 | Granted under delegated authority |
| 18/01592/LIPT   | Transfer of the premises licence – Camden Executive Limited to Opium London Limited | 12.07.2018 | Granted under delegated authority |
| 18/12503/LIPVM  | Minor variation for change of layout  | 08.11.2018 | Granted under delegated authority |
| 18/13366/LIPDPS | Variation of DPS  | 11.11.2018 | Granted under delegated authority |
| 19/10730/LIREVX | Expedited Review of the premises licence  | 30.08.2019 | Licence suspended                 |
| 19/10730/LIREVX | Review of the premises licence  | 19.09.2019 | Licence revoked                   |

#### Temporary Event Notices granted in the last 12 months

| Temporary Event Notices | Date of Event            | Activities/Hours  | Decision        |
|-------------------------|--------------------------|---|-----------------|
| 18/14591/LITENP         | 12.12.2018               | Alcohol, Regulated Entertainment and Late Night Refreshment<br>00:00 to 03:00 | Event permitted |
| 18/14599/LITENP         | 19.12.2018               | Alcohol, Regulated Entertainment and Late Night Refreshment<br>00:00 to 03:00 | Event permitted |
| 18/14600/LITENP         | 15.12.2018 to 16.12.2018 | Alcohol, Regulated Entertainment and Late Night Refreshment<br>00:00 to 03:00 | Event permitted |
| 18/14603/LITENP         | 08.12.2018 to 09.12.2018 | Alcohol, Regulated Entertainment and Late Night Refreshment<br>00:00 to 03:00 | Event permitted |
| 18/15448/LITENP         | 05.01.2019 to 06.12.2019 | Alcohol, Regulated Entertainment and Late Night Refreshment<br>00:00 to 03:00 | Event permitted |
| 18/15449/LITENP         | 31.12.2018 to 01.01.2019 | Alcohol, Regulated Entertainment and Late Night Refreshment                   | Event permitted |



|                 |                             |  |                 |
|-----------------|-----------------------------|--|-----------------|
|                 |                             | 21:00 to 05:00   |                 |
| 18/15456/LITENP | 22.12.2018 to<br>23.12.2018 | Alcohol, Regulated<br>Entertainment and<br>Late Night<br>Refreshment<br>00:00 to 03:00 | Event permitted |
| 18/15458/LITENP | 29.12.2018 to<br>30.12.2018 | Alcohol, Regulated<br>Entertainment and<br>Late Night<br>Refreshment<br>00:00 to 03:00 | Event permitted |
| 19/00621/LITENP | 24.01.2019 to<br>25.01.2019 | Alcohol, Regulated<br>Entertainment and<br>Late Night<br>Refreshment<br>21:00 to 04:00 | Event permitted |
| 19/02034/LITENP | 15.03.2019 to<br>16.03.2019 | Alcohol, Regulated<br>Entertainment and<br>Late Night<br>Refreshment<br>21:00 to 04:00 | Event permitted |
| 19/04833/LITENP | 06.05.2019                  | Alcohol, Regulated<br>Entertainment and<br>Late Night<br>Refreshment<br>00:00 to 03:00 | Event permitted |
| 19/10171/LITENP | 26.08.2019                  | Alcohol, Regulated<br>Entertainment and<br>Late Night<br>Refreshment<br>00:00 to 03:00 | Event permitted |

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

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

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

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

### Mandatory Conditions

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

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority

### **Conditions consistent with the operating schedule**

11. All drinking containers used within the lounge/club area shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware or polycarbonate glassware carafes, with the exception of champagne and bottles of spirits of a minimum size of 70cl, supplied by waiter/waitress service to tables. Staff will clear all empty champagne and spirit bottles from the tables promptly. Customers will not be permitted to self serve or remove bottles from the tables. Customers will not be permitted to drink directly from champagne or spirit bottles. For the avoidance of any doubt, this condition does not apply to the restaurant area of the premises, as marked on the plans attached to the licence.
12. Notwithstanding condition 12 above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
13. All persons, with the exception of staff and security, shall have left the premises no later than 45 minutes after the permitted terminal hour for the retail sale of alcohol.
14. (a) When the premises are open all customers entering the nightclub/ lounge after 22:00 will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises).

All customers entering shall have their facial image captured by the ID scanner camera except for person who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner.

The above requirement is subject to the following exceptions, namely that a maximum number of 25 guests per night may be admitted at the Managers discretion without necessarily ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:

- (i) The Police shall approve in writing the names of those managers (Police Approved Managers) who are authorised to sign in such guests, such approval shall not be unreasonably withheld. There shall be a maximum of three Police approved managers.
- (ii) A legible record (the signing in sheet) of these guests name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the Police approved manager authorising the admission will also be recorded by that manager,
- (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan

- entry with a live photo shall be created.
- (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Police Approved Manager may never the less permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.
  - (b) Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 28 days after the event for inspection by the police and responsible authorities upon request.
  - (c) Any customer attending the restaurant who then wishes to enter the nightclub shall have their identification scanned, subject to the above provisions of this condition.
15. For any pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 28 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer

**Conditions attached after a hearing by the licensing authority**

- 16. The number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 500, with no more than 250 in the hatched area and no more than 250 in the un-hatched area.
- 17. Patrons shall be greeted by a member of the staff at the reception areas on both the ground and basement floors (as marked on the plans submitted) before being directed to the relevant area of the premises.
- 18. In the area marked 'restaurant' and marked as the hatched area on the plans alcohol shall not be sold or supplied on the premises otherwise than to persons seated taking table meals, by waitress service only and for consumption by such persons as ancillary to their meal.
- 19. The restaurant area of the premises (marked as the hatched area on the plans) shall be set out with tables and chairs at all times save for pre-booked or private events, details of which shall be forwarded to the Police at least 14 days (or such other time agreed with the Police in writing) in advance of the event.
- 20. There shall be waitress service throughout the entire premises at all times it is trading to the public.
- 21. There shall be no patrons permitted on the stage area as marked on the plans.
- 22. The provision of film shall be incidental to other licensable activities and there shall be no cinema style showing of films.

23. There shall be no consumption of alcohol outside the premises.
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
25. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
26. There shall be no removal of glasses or bottles from the premises by patrons when leaving.
27. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 and 07:30 hours.
28. No deliveries shall be made between the hours of 2300 hours and 0730 hours.
29. A noise limiter shall be fitted to the musical amplification system in agreement with and to the reasonable satisfaction of the Environmental Health Officer. The operational panel shall then be secured and the system will not be altered without the approval of the Environmental Health Officer.
30. No additional sound generation equipment shall be used on the premises without being routed through the noise limiter device.
31. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
32. There shall be no speakers situated or amplification of music or sound within the entrance lobby on the ground floor.
33. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
34. Notices will be prominently displayed at the ground floors exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
35. Management will appoint dedicated taxi or licensed minicab companies and staff will offer to book the cars on behalf of patrons. After midnight all patrons who seek licensed vehicles to take them away will be encouraged to remain inside whilst the vehicle is summonsed.
36. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.

37. The premises will participate in the Westminster Licensed premises shared radio scheme approved by Westminster City Council and the Metropolitan Police.
38. All Licensable Activities: When the hours authorised by the licence extend to a time later than 01:00am, then in relation to the morning on which British Summer Time begins, the hours will be extended to one hour after the authorised hour on the licence.
39. The permitted hours shall be extended on New Year's Eve until the start of permitted hours on New Year's Day, subject to the submission of a Metropolitan Police Risk Assessment Form 696 at least 14 days prior to the event.
40. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 hours on New Year's Day, subject to the submission of a Metropolitan Police Risk Assessment Form 696 at least 14 days prior to the event.
41. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

42. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided."
43. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
44. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
45. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
46. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
47. After 21:00, or as agreed with the Police in writing (and a copy of any agreement to be held at reception), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.



48. After 21:00 Registered Door Supervisors shall ensure that the specified capacities are adhered to at all material times. Before 21:00 Registered Door Supervisors and/or staff shall ensure that the specified capacities are adhered to at all material times. A daily log is to be maintained to ensure that any capacity limit set is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or police officer on request.
49. Substantial food and suitable beverages other than alcohol (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where alcohol is sold or supplied.
50. From Monday to Sunday after 23:00 all patrons attempting to gain re entry will be subject to a search. After 21:00 Monday to Sunday, upon entry all bags are to be opened and searched. A general search policy shall be implemented as agreed with the Westminster Police Licensing Team and documented. In accordance with the general search policy, searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of permitted hours or until there are no further admissions.
51. After 22:00 hours, unless otherwise agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) there shall be a minimum of two registered security staff on duty at the premises and an additional 1 registered security staff per additional 100 customers.
52. After 21:00, or as agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) any designated queuing and smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear and constantly monitored by security personnel and/or staff.
53. After 21:00 Monday to Sunday, or as agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) either (a) an attendant shall be on duty in any designated male and female toilets or (b) management shall check and monitor the male and female toilets every 30 mins. In relation to (b) the checks shall be recorded in writing and made available to the Police and Council officers upon request.
54. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) any complaints received regarding crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
55. A representative of the premises licence holder shall attend the local Pub watch meetings.
56. The premises shall order cabs for patrons on request.
57. No striptease, no nudity and all persons to be decently attired.

58. There to be at least one personal licence holder on duty when the premises are open to the public.
59. No entry / Re entry (excluding persons exiting to smoke) to the premises after 02:00 hours or such time as agreed in writing by Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).
60. The lounge bar area shall predominantly be set out with tables and chairs at all times.
61. Whenever the VIP toilets in the basement lounge are in use there shall be a minimum of 1 SIA stationed in the VIP toilet lobby area.
62. A qualified medic shall be on duty on Friday and Saturday nights from midnight until the premises closes, whenever the basement lounge is in operation.
63. In the event that an assault is committed on the premises (or appears to have been committed) the management, on notification of such assault or apparent assault, will immediately ensure that:
  - (a) The police (and, where appropriate, the London Ambulance Service) are called without delay.
  - (b) All reasonably practicable efforts are taken to detain any suspect(s) pending the arrival of police.
  - (c) All reasonable practicable efforts are taken to preserve the crime scene so as to enable a full forensic investigation to be carried out by the police, unless otherwise notified by them.
  - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
64. On nights where the part or all of the premises is operating as a nightclub (not including corporate events, or when the restaurant only is open) a traffic marshal ('the marshal') shall be employed by the premises management from 22:00 until all customers have left the immediate vicinity of the premises to ensure, as far as reasonably practicable, there is no obstruction on Rupert Street in the immediate vicinity of the premises from customers or vehicles related to customers, of the premises. The marshal shall wear a high visibility jacket of a different colour to those worn by SIA door staff and marked 'traffic marshal' so as to be clearly identifiable in this role.
65. The Licence will have no effect until the Licensing Authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
66. Prior to the licence taking effect, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority

**Conditions proposed by the Environmental Health**

None

**Conditions proposed by the Police**

None



Resident count: 48

**Licensed premises within 75 metres of 21 Rupert Street**

|                 |                       |   |            |  |
|-----------------|-----------------------|---|------------|--|
| 18/07150/LIPDPS | Bubba Gump Shrimp Co. | Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB | Restaurant | Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 22:30   Sundays before Bank Holidays; 09:00 - 00:00  |
| 19/04772/LIPDPS | HaiDiLao              | Units 4 And 5 Trocadero 13 Coventry Street London W1D 7AB                   | Restaurant | Tuesday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00   Sundays before Bank Holidays; 08:00 - 00:30 |

|                 |                                   |  |                                   |  |
|-----------------|-----------------------------------|--|-----------------------------------|--|
| 19/00522/LIPDPS | Not Recorded                      | Unit 34B<br>Trocadero 19<br>Rupert Street<br>London W1D 7PN                | Not Recorded                      | Monday to<br>Saturday; 10:00 -<br>00:30   Sunday;<br>10:00 - 00:00   |
| 16/08280/LIPDPS | Yo! Sushi                         | Unit 34A<br>Trocadero 13<br>Coventry Street<br>London W1D 7AB              | Restaurant                        | Monday to<br>Saturday; 10:00 -<br>23:30   Sunday;<br>12:00 - 23:00   |
| 18/16233/LIPN   | Not Recorded                      | Unit 34B<br>Trocadero 19<br>Rupert Street<br>London W1D 7PN                | Restaurant                        | Monday to<br>Saturday; 10:00 -<br>01:30   Sunday;<br>10:00 - 00:00   |
| 18/08646/LIPN   | Not Recorded                      | Unit 29 Trocadero<br>13 Coventry<br>Street London<br>W1D 7AB               | Not Recorded                      | Monday to<br>Sunday; 00:00 -<br>00:00  |
| 19/02859/LIPCH  | Platinum Lace<br>Gentleman's Club | Unit 33 Trocadero<br>13 Coventry<br>Street London<br>W1D 7AB               | Night clubs and<br>discos         | Monday to<br>Saturday; 15:00 -<br>06:30   Sunday;<br>15:00 - 03:30   |
| 18/13366/LIPDPS | Opium                             | Basement 21<br>Rupert Street<br>London W1D 7PJ                             | Restaurant                        | Monday to<br>Sunday; 09:00 -<br>03:00  |
| 16/02850/LIPDPS | Bar Rumba                         | Ground Floor Unit<br>17d Trocadero 13<br>Coventry Street<br>London W1D 7ER | Restaurant                        | Monday to<br>Saturday; 09:00 -<br>06:00   Sunday;<br>09:00 - 03:30   |
| 14/10567/LIPVM  | Fratelli La Bufala                | 40 Shaftesbury<br>Avenue London<br>W1D 7ER                                 | Restaurant                        | Monday to<br>Sunday; 09:00 -<br>01:00  |
| 18/02894/LIPDPS | Blue Posts Public<br>House        | 28 Rupert Street<br>London W1D 6DJ   | Public house or<br>pub restaurant | Monday to<br>Thursday; 10:00 -<br>23:30   Friday to<br>Saturday; 10:00 -<br>00:00   Sunday;<br>12:00 - 23:00 |
| 18/04102/LIPDPS | Blue Posts Public<br>House        | 28 Rupert Street<br>London W1D 6DJ   | Restaurant                        | Monday to<br>Thursday; 10:00 -<br>23:30   Thursday<br>to Friday; 10:00 -<br>00:00   Sunday;<br>12:00 - 23:00 |
| 18/14617/LIPN   | Not Recorded                      | 20-24<br>Shaftesbury<br>Avenue London<br>W1D 7EU                           | Miscellaneous                     | Monday to<br>Sunday; 09:00 -<br>04:00  |
| 18/09335/LIPT   | Golden Nugget<br>Casino           | 22 - 32<br>Shaftesbury<br>Avenue London<br>W1D 7EJ                         | Casino or<br>gambling club        | Monday to<br>Saturday; 10:00 -<br>06:30   Sunday;<br>12:00 - 06:30   |

|                 |                           |  |            |   |
|-----------------|---------------------------|--|------------|---|
| 18/13324/LIPDPS | Rainforest Cafe           | 20-24 Shaftesbury Avenue London W1D 7EU  | Restaurant | Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 03:00                                     |
| 14/01354/LIPVM  | The Palomar               | 34 Rupert Street London W1D 6DN  | Restaurant | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00                                     |
| 17/03149/LIPCHT | XU                        | 30 Rupert Street London W1D 6DL  | Restaurant | Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00                                     |
| 19/04264/LIPVM  | Hovarda                   | 36 - 40 Rupert Street London W1D 6DN   | Restaurant | Not Recorded; XXXX - XXXX   |
| 06/12437/WCCMAP | C & R Cafe Restaurant     | 3-4 Rupert Court London W1D 6DY  | Shop       | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00                                     |
| 17/14506/LIPDPS | Thai Tho Soho             | 42 Rupert Street London W1D 6DP  | Restaurant | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00                                     |
| 15/04805/LIPDPS | Caffe Concerto            | 50 Shaftesbury Avenue London W1D 6LW   | Cafe       | Monday to Sunday; 08:00 - 23:30   |
| 14/05537/LIPVM  | Apollo Theatre            | Apollo Theatre 31 - 33 Shaftesbury Avenue London W1D 7EZ                               | Theatre    | Monday to Sunday; 09:00 - 00:00   |
| 16/06157/LIPT   | McDonald's                | Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ | Restaurant | Monday to Thursday; 05:00 - 00:00   Friday to Saturday; 05:00 - 01:00   Sunday; 05:00 - 23:00 |
| 08/06982/LIPDPS | Lyric Theatre             | Avenue House 25-27 Shaftesbury Avenue London W1D 7EG                                   | Theatre    | Monday to Sunday; 09:00 - 00:00   |
| 18/06239/LIPRW  | Shaftesbury Food And Wine | Ground Floor Middle Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ             | Shop       | Monday to Sunday; 07:00 - 01:00   |

|                 |  |  |                           |   |
|-----------------|--|--|---------------------------|---|
| 19/01125/LIPDPS | Five Guys                                  | Trocadero 13<br>Coventry Street<br>London W1D<br>7DH                     | Restaurant                | Monday to<br>Thursday; 10:00 -<br>23:30   Friday to<br>Saturday; 10:00 -<br>00:00   Sunday;<br>10:00 - 22:30  |
| 18/00656/LIPN   | Trocadero<br>Hotel/Sky Bar &<br>Restaurant | Trocadero 13<br>Coventry Street<br>London W1D<br>7DH                     | Hotel, 3 star or<br>under | Monday to<br>Sunday; 00:00 -<br>00:00   |
| 18/07703/LIPT   | Biagios                                    | Unit F1 Basement<br>Trocadero 13<br>Coventry Street<br>London W1D<br>7DH | Restaurant                | Monday to<br>Thursday; 10:00 -<br>23:30   Friday to<br>Saturday; 10:00 -<br>00:00   Sunday;<br>12:00 - 22:30  <br>Sundays before<br>Bank Holidays;<br>12:00 - 00:00 |
| 18/01877/LIPDPS | Picturehouse<br>Central                    | Trocadero 13<br>Coventry Street<br>London W1D<br>7DH                     | Cinema                    | Monday to<br>Sunday; 00:00 -<br>23:59   |
| 17/08106/LIPN   | Unit 4 - Happy<br>Bar And Grill            | Trocadero 13<br>Coventry Street<br>London W1D<br>7DH                     | Restaurant                | Monday to<br>Thursday; 08:00 -<br>23:30   Friday to<br>Saturday; 08:00 -<br>00:00   Sunday;<br>08:00 - 22:30  |
| 14/01871/LIPDPS | Wong Kei<br>Restaurant                     | 41-43 Wardour<br>Street London<br>W1D 6PY                                | Restaurant                | Monday to<br>Saturday; 10:00 -<br>00:30   Sunday;<br>12:00 - 00:00  |
| 16/00578/LIPDPS | MW Buffet                                  | Astoria House 58-<br>60 Shaftesbury<br>Avenue London<br>W1D 6LS          | Restaurant                | Monday to<br>Saturday; 10:00 -<br>00:30   Sunday;<br>12:00 - 00:00  |
| 17/05614/LIPDPS | Morada Brindisa                            | 18 Rupert Street<br>London W1D<br>6DD                                    | Restaurant                | Monday to<br>Wednesday;<br>10:00 - 00:30  <br>Thursday to<br>Saturday; 10:00 -<br>01:30   Sunday;<br>12:00 - 00:00  |
| 17/00090/LIPVM  | Morden & Lea                               | 17 Wardour<br>Street London<br>W1D 6PJ                                   | Restaurant                | Monday to<br>Wednesday;<br>10:00 - 00:30  <br>Thursday to<br>Saturday; 10:00 -<br>01:30   Sunday;<br>12:00 - 00:00  |

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| 19/07091/LIPDPS | Morada Brindisa              | 18 Rupert Street<br>London W1D<br>6DD                                      | Restaurant                        | Monday to<br>Wednesday;<br>10:00 - 00:30  <br>Thursday to<br>Saturday; 10:00 -<br>01:30   Sunday;<br>12:00 - 00:00  |
| 17/12173/LIPDPS | Pizza Express                | 29 Wardour<br>Street London<br>W1D 6PS                                     | Restaurant                        | Monday to<br>Saturday; 10:00 -<br>00:30   Sunday;<br>10:00 - 00:00  |
| 07/10675/WCCMAP | Sunrise Cafe And<br>News     | Ground Floor 31<br>Wardour Street<br>London W1D 6PT                        | Shop                              | Monday to<br>Saturday; 08:00 -<br>05:00   Sunday;<br>10:00 - 05:00  |
| 17/14804/LIPV   | Young Cheng<br>Restaurant    | 39 Wardour<br>Street London<br>W1D 6PX                                     | Restaurant                        | Monday to<br>Saturday; 10:00 -<br>23:30   Sunday;<br>12:00 - 23:00  |
| 12/08402/LIPDPS | Hung's Chinese<br>Restaurant | Ground Floor To<br>Second Floor 27<br>Wardour Street<br>London W1D 6PR     | Restaurant                        | Monday to<br>Saturday; 10:00 -<br>04:30   Sunday;<br>12:00 - 04:30  |
| 18/06468/LIPDPS | Gelupo                       | 7 Archer Street<br>London W1D 7AU  | Cafe                              | Tuesday to<br>Saturday; 11:00 -<br>01:00   Sunday to<br>Wednesday;<br>11:00 - 23:00   |
| 16/10204/LIPV   | London Jade<br>Garden        | 15 Wardour<br>Street London<br>W1D 6PH                                     | Restaurant                        | Monday to<br>Thursday; 10:00 -<br>00:00   Friday to<br>Saturday; 10:00 -<br>00:30   Sunday;<br>12:00 - 23:00  |
| 14/01152/LIPVM  | Waxy O'Connor's              | Basement And<br>Ground Floor 14 -<br>16 Rupert Street<br>London W1D<br>6DD | Public house or<br>pub restaurant | Monday to<br>Thursday; 10:00 -<br>23:30   Monday to<br>Saturday; 10:00 -<br>00:30   Friday to<br>Saturday; 10:00 -<br>00:00   Sunday;<br>12:00 - 23:00  <br>Sunday; 12:00 -<br>00:00   Sundays<br>before Bank<br>Holidays; 12:00 -<br>00:00 |
| 15/05385/LIPT   | London Jade<br>Garden        | 15 Wardour<br>Street London<br>W1D 6PH                                     | Restaurant                        | Monday to<br>Saturday; 10:00 -<br>00:30   Sunday;<br>12:00 - 00:00  |



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|-----------------|---------------|---|------------------------|---|
| 19/05366/LIPT   | La Scala      | 45 Wardour Street London W1D 6PZ                              | Restaurant             | Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00   |
| 19/03860/LIPDPS | Four Seasons  | 23 Wardour Street London W1D 6PW                              | Restaurant             | Monday to Saturday; 10:00 - 05:00   Sunday; 12:00 - 05:00   |
| 06/12381/WCCMAP | Cafe T.P.T.   | 21 Wardour Street London W1D 6PN                              | Restaurant             | Monday to Saturday; 10:00 - 01:00   Sunday; 12:00 - 01:00   |
| 18/02061/LIPT   | Old Town 97   | 19 Wardour Street London W1D 6PL                              | Restaurant             | Monday to Saturday; 10:00 - 04:00   Sunday; 12:00 - 04:00   |
| 19/04243/LIPVM  | Archer Street | Basement and Ground Floors 3 - 4 Archer Street London W1D 7AP | Night clubs and discos | Monday; 09:00 - 01:30   Tuesday; 09:00 - 01:30   Wednesday; 09:00 - 01:30   Thursday; 09:00 - 01:30   Friday; 09:00 - 01:30   Saturday; 09:00 - 01:30   Sunday; 09:00 - 23:00   Sundays before Bank Holidays; 09:00 - 00:00 |

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