



## City of Westminster

Title:

**Licensing Sub-Committee (2)**

Meeting Date:

**Wednesday 3 April 2024**

Time:

**10.00 am**

Venue:

**Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members:

**Councillors:**

Maggie Carman (Chair)  
Judith Southern  
Karen Scarborough

If you require further information, please contact the Committee Officer, Jonathan Deacon, Senior Committee and Councillor Co-ordinator.

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

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

# Committee Agenda

**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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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. 55 FRITH STREET W1D 4SJ

(Pages 1 - 32)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  *West End  **None	55 Frith Street W1D 4SJ	New Premises Licence	24/00694/LIPN

\*Cumulative Impact Area  
\*\* Special Consideration Zone

##### 2. 23 BARRETT STREET, W1U 1BF

(Pages 33 - 52)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  *None  **None	23 Barrett Street W1U 1BF	New Premises Licence	24/00745/LIPN

\*Cumulative Impact Area  
\*\* Special Consideration Zone

**Stuart Love**  
**Chief Executive**  
**22 March 2024**

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 January 2021.

## **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**

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

**Note:** The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

### **1. Casinos**

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

### **2. Cinemas, Cultural Venues and Live Sporting Premises**

Monday to Sunday:	09:00 hours to 24:00 hours
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### **3. Hotels**

Monday to Thursday:	09:00 hours to 23:30 hours
Friday and Saturday:	09:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday:	09:00 hours to 24:00 hours
Sale of alcohol to guests for consumption in hotel/guest rooms only:	Anytime up to 24 hours

### **4. Off licences**

Monday to Saturday:	08:00 hours to 23:00 hours
Sunday:	09:00 hours to 22:30 hours

### **5. Outdoor Spaces**

Monday to Thursday:	09:00 hours to 23:30 hours
Friday and Saturday:	09:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday:	09:00 hours to 24:00 hours

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

Monday to Thursday:	10:00 hours to 23:30 hours
Friday and Saturday:	10:00 hours to 24:00 hours
Sunday:	12:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

## **7. Qualifying Clubs**

Monday to Thursday:	09:00 hours to 24:00 hours
Friday and Saturday:	09:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday:	09:00 hours to 24:00 hours

## **8. Restaurants**

Monday to Thursday:	09:00 hours to 23:30 hours
Friday and Saturday:	09:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday:	09:00 hours to 24:00 hours

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

Monday to Thursday:	09:00 hours to 23:30 hours
Friday and Saturday:	09:00 hours to 24:00 hours
Sunday:	09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday:	09:00 hours to 24:00 hours

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City of Westminster

## Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

55 Frith Street  
London  
W1D 4SJ

Report of:

Director of Public Protection and Licensing

Wards involved:

West End

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Kevin Jackaman  
Senior Licensing Officer

Contact details

Telephone: 0207 641 6500  
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>		2 February 2024										
<b>Applicant:</b>		Vasiniko Soho Ltd.										
<b>Premises address:</b>		55 Frith Street London W1D 4SJ	<b>Ward:</b>		West End							
			<b>Cumulative Impact Area:</b>		West End							
			<b>Special Consideration Zone:</b>		None							
<b>Premises description:</b>		According to the application form the premises intend to trade as a restaurant.										
<b>Premises licence history:</b>		<p>There have been a number of premises licences in respect of the premises dating back to November 2017.</p> <p>The most recent premises licence (licence number 23/06960/LIDPSR) was revoked by the Licensing Sub Committee in November 2023 following a review premises licence by the Licensing Authority.</p> <p>A full licence history for the premises appears at <b>Appendix 4</b></p>										
<b>Applicant submissions:</b>		<p>The application is made following pre-application advice 24/00374/PREAPS.</p> <p>The premises are located within the West End Cumulative Impact Area but subject to Policy RNT1 and HRS1 (Core Hours)</p>										
<b>Applicant amendments:</b>		None										

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
		Sundays immediately prior to a bank holiday: 23:00 to 00:00					

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Sundays immediately prior to a bank holiday: 09:00 to 00:00						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Sundays immediately prior to a bank holiday: 09:00 to 00:00						
Adult Entertainment:	None						

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Reaz Guerra
Received:	28 February 2024
<p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives. The premises are situated within the West End Cumulative Impact Area.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p>	
Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	01 March 2024
<p>I refer to the application for a new Premises Licence for the above premises. The premises has benefited from a premises licence before, which was revoked. <b>The premises is situated in the West End Cumulative Impact Zone.</b></p> <p>This representation is based on the Operating Schedule and the submitted plans, for the ground floor titled with address, drawing number 220-1GA-01 and dated 01/02/24.</p>	

The applicant is seeking the following on the **ground floor**:

1. To allow the Supply of Alcohol 'on' the premises Monday to Thursday 09:00-23:30 hours, Friday to Saturday 09:00-00:00 hours and Sunday 09:00-22:30 hours.
2. To allow Late Night Refreshment 'indoors' Monday to Thursday 23:00-23:30 hours and Friday to Saturday 23:00-00:00 hours.
3. To allow the above activities from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and to allow until 00:00 hours Sundays prior to bank holidays.

I wish to make the following representation in relation to the above application:

1. The Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.
3. The additional hours on New Year's Eve and Sundays prior to bank holidays may cause an increase in Public Nuisance in the cumulative impact area.

The applicant has proposed conditions as detailed in pre-application advice 24/00374/PREAPS. Further conditions may be proposed by Environmental Health to protect the Licensing Objectives.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.**

Should you wish to discuss the matter further please do not hesitate to contact me

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Jessica Donovan
<b>Received:</b>	29 February 2024

Dear Sirs

I write in relation to the application submitted for a new premises licence for 55 Frith Street, London, W1D 4SJ.

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:

**Late Night Refreshment:**

Monday to Thursday 23:00 to 23:30  
Friday to Saturday 23:00 to 00:00

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

On Sundays prior to bank holidays 23:00 – 00:00.

#### **Retail sale of Alcohol (On sales)**

Monday to Thursday 09:00 to 23:30

Friday to Saturday 09:00 to 00:00

Sunday 09:00 to 22:30

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

On Sundays prior to bank holidays 09:00 – 00:00.

#### **Hours premises are open to the public**

Monday to Thursday 09:00 to 23:30

Friday to Saturday 09:00 to 00:00

Sunday 09:00 to 22:30

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

On Sundays prior to bank holidays 09:00 – 00:00.

The premises are located within the West End Cumulative Impact Zone and it is intended that the premises will trade as a Restaurant and as such various policy points must be considered, namely CIP1, HRS1 and RNT1.

The Licensing Authority note that the proposed hours on this application fall within Westminster's core hours for restaurants. The policy states 'Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.'

It is noted that the premises had the benefit of a premises licence **23/06960/LIDPSR** which was held by 8UERTE Limited however, the licence was revoked at a Licensing Sub-Committee on 02 November 2023 following a number of breaches of fundamental conditions on the premises licence. Can the applicant confirm if the [REDACTED] and the [REDACTED] will have any involvement in the operation of the proposed new licence.

The Licensing Authority would encourage the applicant to consider the following condition:

*Neither [REDACTED] or [REDACTED] shall have any involvement in:*

- 1. the day to day running of the premises,*
- 2. management of the premises or*
- 3. management of the operation at the premises*

Can the applicant also confirm what measures have been taken by the freeholder to ensure the proposed operator will comply with the conditions and uphold the licensing objectives.

The Licensing Authority welcome that the applicant has proposed Westminster's model condition 66 however, to satisfy the concerns of the City Inspectors enforcement team that were involved in the revocation of previous premises licence, we would encourage the applicant to consider amending MC66 to include *(iv) 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 which appears on the previous licence. Therefore the amended condition would read as follows:*

*Amended MC66: The premises shall only operate as a restaurant,  
(i) in which customers are shown to their table or the customer will select a table themselves,  
(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 takeaway service of food or drink for immediate consumption off the premises,  
(v) 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.*

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

*Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their 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 zone, in accordance with policy CIP1.

The applicant must also demonstrate how they intend to manage any potential risks including where specific policies apply to the area and how the policy impacts on their application and what measures will be in place to mitigate the impact and must consider all factors which may be relevant to promote the licensing objectives.

The Licensing Authority looks forward to receiving further submissions from the applicant so the application can be assessed further and against any other relevant policy considerations.

Please accept this as a formal representation.

## 2-B Other Persons

Name:			
Address and/or Residents Association:			
Status:	Valid	In support or objection:	Support
Received:	10 February 2024		

I know Vasiniko very well, not only is the food excellent and the atmosphere great but these are very hard working guys. It is a genuine and wholesome project and I would love to see them do well, expand their brand and see many more pop up around the city.

I fully support this application and wish them well.

Name:	[REDACTED] (Withdrawn)		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	8 February 2024		

[REDACTED], I would like to comment on the proposed new application. While I am not opposed to the application as such, it would be imperative to reinstate a ceiling that the premises had until a few years ago.

Asbestos was found in the old ceiling and was removed. However, the ceiling was never replaced and has since led to countless (daily) noise complaints as music and the sound of talking patrons travel directly into the flat above.

Therefore, I would oppose it if a proper ceiling was not put back in place.

**Following discussions with the applicant, the Interested Party withdrew their representation 26 February 2024**

Name:	[REDACTED]		
Address and/or Residents Association:	The Soho Society		
Status:	Valid	In support or objection:	Objection
Received:	1 March 2024		

This is a new restaurant application, the original 2020 restaurant licence was revoked in 2023 for non compliance with the conditions on the licence.

The Committee will be aware the premises is situated within the West End Cumulative Impact Zone and the onus is on the applicant to demonstrate they will not increase cumulative impact and will promote the licensing objectives. We object to this application on the following grounds,

- The huge number of licensed premises in this area and the negative impact on residents, the increase in cumulative impact, crime and disorder and anti-social behaviour.
- The application to increase capacity and the hours of the operation.

We are very concerned with the ever increasing negative impact on residents of the addition of licensed premises or increases in capacity and hours. Residents have been subjected to noise disturbance and anti-social behaviour that are beyond acceptable levels. They are disturbed by the late night activity as people walk by (often shouting, or arguing), noise from pedicabs, car doors slamming, horns hooting, people vomiting and urinating in the street and in their doorways. Residents are also often disturbed even if an establishment is not located directly on their street, as customers (often noisy and intoxicated) leave premises and either carry on their night out in Soho or make their way home.

We know many residents experience sleep disturbance, the Soho Society conducted a survey in 2022 which confirmed residents are disturbed by noise at night, and that it is having a negative impact on their lives.

87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% of whom have lived in Soho for more than ten years.

When asked about disturbed sleep, 24% of respondents say they have their sleep disturbed seven nights a week, 16% five or six nights a week, and 19% three or four nights a week.

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

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

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

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

The Committee will be fully aware that Soho is at the heart of the West End's food, beverage and entertainment district with its **491** licensed premises, the demand for licensed premises in the West End and Soho shows no tendency to reduce, from 2020 to November 2023, **51** new alcohol licences have been granted with a capacity of over **4,245**. It comes as no surprise that the infrastructure cannot cope with the vast number of people in the area at night, the consequences being the highest crime rates in Westminster, high levels of public nuisance including anti-social behaviour and noise disturbance which prevents residents from sleeping at night.

The position of the proposed restaurant is highly significant it is in an area with the highest concentration of licensed premises in Soho, **118 with terminal hours between 12am to 3.30am and a capacity of over 11,200**. The new Cumulative Impact Assessment 2023 confirms the majority of crime takes place on Friday / Saturday and Saturday/Sunday between 6pm - 6am, and importantly overnight crime is identified as being particularly prevalent in Old Compton Street, Greek Street and Frith Street.

Increasing the number of licensed premises or the extension of current licences in the West End CIZ is also highlighted in the Cumulative Impact Assessment 2023, it confirms crime levels in Westminster has reached pre-COVID levels and since the last Cumulative Impact Assessment 2020 crimes have concentrated even further in the West End. It states,  
*'West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough.'*

The modelling shows a **50% increase** in undesirable behaviours **from any NEW OR EXTENDED licence**. The figures also suggest a **26%** increase in reported theft for each additional licence issued for whatever type of venue: bar, club, restaurant or café.

The evidence is clear any addition in the number of hours, the number of people consuming alcohol, the number of licensed premises will fail to promote the licensing objectives and increase cumulative impact. It concludes with a proposed new Licensing Authority Statement which states;

*'It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.'* (**our emphasis**)

It is against this backdrop the Licensing Committee is asked to approve this application with all the evidence showing it will increase cumulative impact, crime and disorder and public nuisance to residents living in the vicinity, we therefore respectfully request this application be refused.

**Appendix 1: The Application**

New premises licence - restaurant.

Capacity 48.

**Sale of Alcohol (on sales):** Mon-Thurs: 09:00 - 23.30. Fri-Sat: 09:00 - 00:00. Sun: 09.00 - 22:30**LNR:** Mon-Thurs: 23:00 - 23.30. Fri-Sat: 23:00 - 00:00**Opening Hours:** Mon-Thurs: 09:00 - 23.30. Fri-Sat: 09:00 - 00:00. Sun: 09.00 - 22:30

<b>Name:</b>			
<b>Address and/or Residents Association:</b>			
<b>Status:</b>	Valid	<b>In support or objection:</b>	SUPPORT
<b>Received:</b>	10 February 2024		
Big fan of Vasiniko, very respectful staff and excellent food. Would be very happy for they expanded			

**3. Policy & Guidance**

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

<b>Policy CIP1 applies:</b>	A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to: 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact. D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.
<b>Policy HRS1 applies</b>	A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following: 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.

	<p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a ‘winding down’ period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application as defined within this policy are:</p> <p>8. Restaurants</p> <p>Monday to Thursday: 9am to 11.30pm.</p> <p>Friday and Saturday: 9am to Midnight.</p> <p>Sunday: 9am to 10.30pm.</p> <p>Sundays immediately prior to a bank holiday: 9am to Midnight.</p>
<b>Policy RNT1(B) applies</b>	<p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The hours for licensable activities are within the council’s Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council’s Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>C. For the purposes of this policy a restaurant is defined as:</p>

	<ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>
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#### 4. Equality Implications

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

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

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

#### 5. Appendices

<b>Appendix 1</b>	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
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@westminster.gov.uk</a>

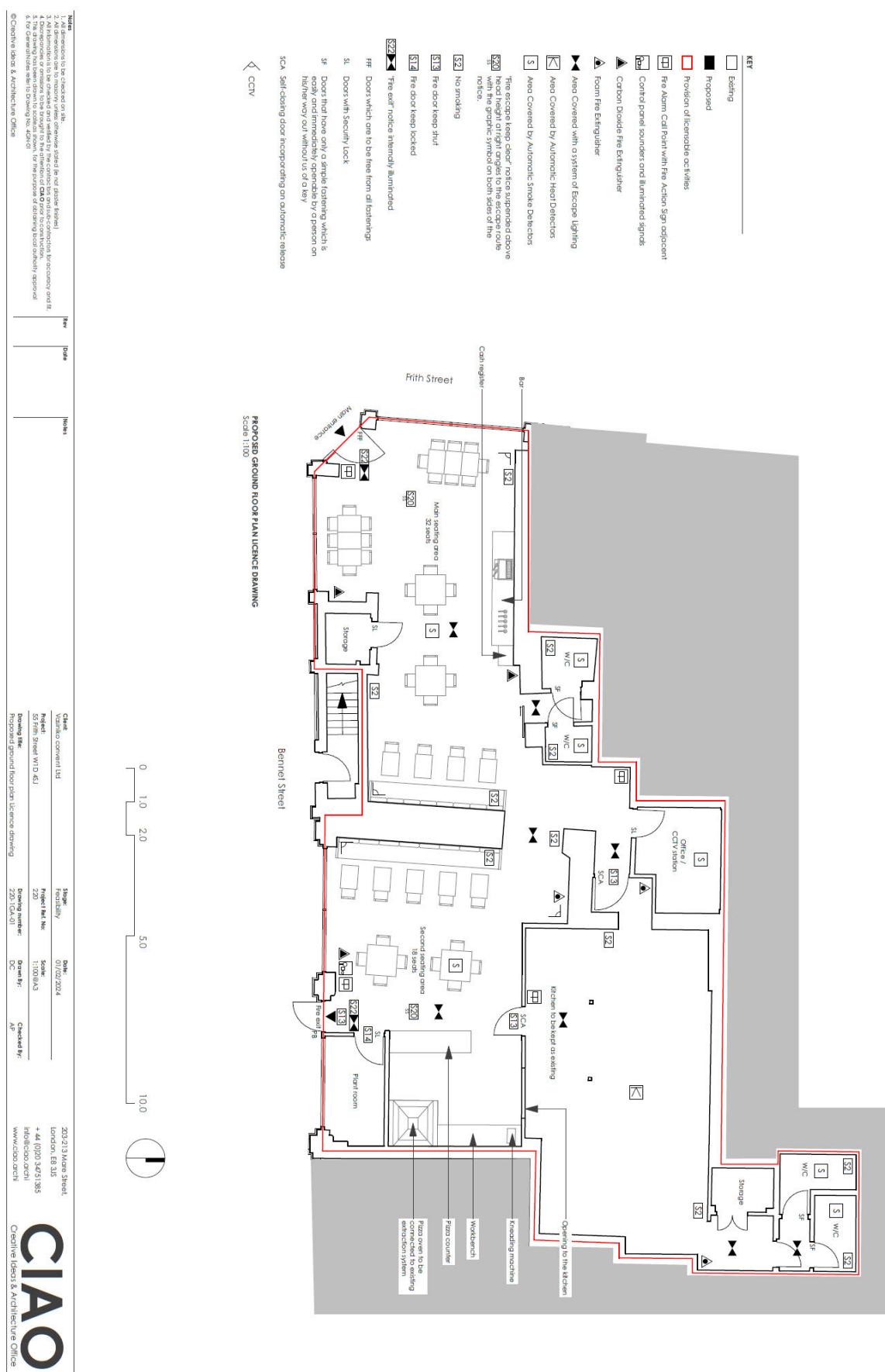
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Soho Society supporting documents	N/A
6	Metropolitan Police representation	28 February 2024
7	Environmental Health representation	01 March 2024
8	Licensing Authority representation	29 February 2024
9	Interested party representation (1)	10 February 2924
10	Interested party representation (2)	08 February 2024 <b>(withdrawn 26 February 2024)</b>
11	Interested party representation (3)	01 March 2024
12	Interested party representation (4)	10 February 2024

## Premises Plans

## Appendix 1



<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
17/07932/LIPN	New premises licence seeking: Alcohol - Monday to Saturday 10:00 to 23:00, Sunday 12:00 to 22:00.	24.11.2017	Granted by Licensing Sub Committee
18/08454/LIPT	Transfer - Street Food London Ltd to Soho Food Limited	27.01.2020	Granted under delegated authority. Licence suspended for non payment of annual fee 30.08.2023
20/08309/LIPN	New premises licence seeking: Alcohol - Monday to Saturday 10:00 to 23:30, Sunday 12:00 to 22:30.	16.11.2020	Granted under delegated authority.
22/08929/LIPDPS	Change of DPS	06.10.2022	Granted under delegated authority.
23/03092/LIDPSR	Removal of DPS	11.05.2023	Granted under delegated authority.
23/03488/LIPDPS	Change of DPS	07.07.2023	Granted under delegated authority.
23/05987/LIREVP	Review of the Premises Licence	02.11.2023	Licence revoked by Licensing Sub Committee

**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 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 shall only operate as a restaurant,
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (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,

**The Licensing Authority have requested (iii) is amended as follows:**

**(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 takeaway service of food or drink for immediate consumption off the premises,
- (v) 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.

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

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

10. 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.
11. 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.
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 windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
17. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.

18. No deliveries from the premises, either by the licensee or a third party shall take place between (23:00) and (08:00) hours on the following day.
19. 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.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
21. 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.
22. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
23. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.  
(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.  
(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.  
(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.  
(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
24. 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.
25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:  
(a) all crimes reported to the venue  
(b) all ejections of patrons  
(c) any complaints received regarding crime disorder  
(d) any incidents of disorder  
(e) any faults in the CCTV system  
(f) any refusal of the sale of alcohol  
(g) any visit by a relevant authority or emergency service.
26. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

28. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. (this shall not exceed 48 persons excluding staff).

**Conditions proposed by the Licensing Authority**

29. Neither [REDACTED] nor [REDACTED] shall have any involvement in:
1. the day to day running of the premises,
  2. management of the premises or
  3. management of the operation at the premises

**Conditions proposed by the Metropolitan Police**

None

**Conditions proposed by Environmental Health**

None

**55 Frith Street, W1**



**Licensing premises within 75m of 55 Frith Street, London, W1**

Licence Number	Trading Name	Address	Premises Type	Time Period
23/07630/LIPT	Canwood55	55 Frith Street London W1D 4SJ	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 23:30
19/06836/LIPDPS	Dog & Duck Public House	18 Bateman Street London W1D 3AJ	Public house or pub restaurant	Sunday; 07:00 - 22:30   Sunday; 07:00 - 00:00   Monday to Thursday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30

				Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
20/07618/LIPDPS	Mimis	56-57 Frith Street London W1D 3JG	Hotel, 3 star or under	Sunday; 07:00 - 22:30   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
20/10046/LIPN	Tomato (Shadow Licence)	54 Frith Street London W1D 4SL	Premises Licence - Shadow Licence	Monday; 10:00 - 01:30   Tuesday; 10:00 - 01:30   Wednesday; 10:00 - 01:30   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30   Saturday; 10:00 - 01:30   Sunday; 10:00 - 01:00
20/11539/LIPDPS	Tomato	54 Frith Street London W1D 4SL	Restaurant	Sunday; 10:00 - 01:00   Monday to Saturday; 10:00 - 01:30
23/02469/LIPDPS	Pix	16 Bateman Street London W1D 3AH	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00   New Year's Eve; 12:00 - 00:00
06/07744/WCCMAP	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Restaurant	Sunday; 12:00 - 23:30   Monday to Saturday; 10:00 - 01:00

20/03241/LIPT	Salon 64	14 Bateman Street London W1D 3AG	Hairdresser or beauty salon	Monday; 08:00 - 22:30   Tuesday; 08:00 - 22:30   Wednesday; 08:00 - 22:30   Thursday; 08:00 - 22:30   Friday; 08:00 - 22:30   Saturday; 08:00 - 22:30
23/06413/LIPDPS	Nandos	Ground Floor 10 Frith Street London W1D 3JF	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
24/00392/LIPCH	Chotto-Matte	11-13 Frith Street London W1D 4RB	Restaurant	Sunday; 12:00 - 00:30   Monday to Saturday; 10:00 - 01:30
23/05175/LIPT	TAVUUK	3-5 Bateman Street London W1D 4AG	Cafe	Sunday; 12:00 - 16:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 12:00 - 00:00
23/08467/LIPT	Koya Bar	Ground Floor 50 Frith Street London W1D 4SQ	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
08/06508/LIPDPS	The Arts Theatre Club	50 Frith Street London W1D 4SQ	Night clubs and discos	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 03:30
23/01943/LIPRW	Negroni	15 Frith Street London W1D 4RE	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
13/01625/LIPDPS	Gopal's Of Soho	Basement And Ground Floor 12 Bateman Street London W1D 4AH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30

23/05285/LIPDPS	Hoppers	49 Frith Street London W1D 4SG	Restaurant	Sunday; 08:00 - 23:30   Monday to Saturday; 08:00 - 00:30
22/11707/LIPCH	Cookhouse Joe	33 Dean Street London W1D 4PW	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
22/09153/LIPDPS	Doppo	33 Dean Street London W1D 4PW	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
21/14629/LIPVM	The Crown & Two Chairmen	31-32 Dean Street London W1D 3SB	Pub or pub restaurant with lodge	Sunday; 07:00 - 22:50   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
23/04998/LIPV	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	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 - 00:00

22/09297/LIPVM	Burger & Lobster	36 - 38 Dean Street London W1D 3TE	Restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 00:30   Friday to Saturday; 10:00 - 01:00   Sundays before Bank Holidays; 12:00 - 00:30
23/00144/LIPCH	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Restaurant	Sunday; 12:00 - 01:00   Monday to Saturday; 10:00 - 01:30
23/01394/LIPCH	Lobos Meat Tapas	Basement And Ground Floor 48 Frith Street London W1D 4SF	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
12/07550/LIPDPS	Karaoke Box	Ground Floor 18 Frith Street London W1D 4RQ	Club or institution	Sunday; 09:00 - 23:00   Monday to Wednesday; 09:00 - 02:00   Thursday to Saturday; 09:00 - 05:00
23/04215/LIPDPS	Simmons	2 Bateman Street London W1D 4AE	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00

22/11573/LIPDPS	Simmons	2 Bateman Street London W1D 4AE	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
20/05637/LIPDPS	Suvlaki	Ground Floor 21 Bateman Street London W1D 3AL	Restaurant	Friday to Saturday; 12:00 - 03:00   Sunday to Thursday; 12:00 - 00:00
23/08362/LIPDPS	La Capannina Club	Basement 21 Bateman Street London W1D 3AL	Night clubs and discos	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 - 03:30
23/00162/LIPVM	Barrafina Quo Vadis	26 Dean Street London W1D 3LL	Restaurant	Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 02:30
11/02308/LIPDPS	Prix Fixe Brasserie	Basement And Ground Floor 39 Dean Street London W1D 4PU	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/01881/LIPV	Hazlitts Hotel	6 Frith Street London W1D 3JA	Hotel, 3 star or under	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday; 00:00 - 00:00
17/09349/LIPRW	Circa	Basement And Ground Floor 62 Frith Street London W1D 3JN	Night clubs and discos	Monday to Sunday; 11:00 - 01:00

11/01841/LIPDPS	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4HT	Night clubs and discos	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 - 03:30
20/06878/LIPDPS	Truffle Burgers	Ground Floor 22 Bateman Street London W1D 3AN	Cafe	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
17/11842/LIPDPS	Bonnie Gull	Ground Floor 22 Bateman Street London W1D 3AN	Cafe	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
24/00468/LIPDPS	Sussex Restaurant	63 - 64 Frith Street London W1D 3JW	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/09121/LIPDPS	Sussex Restaurant	63 - 64 Frith Street London W1D 3JW	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/14671/LIPDPS	40 Dean Street	40 Dean Street London W1D 4PX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/08664/LIPVM	Union Club	50 Greek Street London W1D 4EQ	Restaurant	Monday; 10:00 - 01:30   Tuesday; 10:00 - 01:30   Wednesday; 10:00 - 01:30   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30   Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:00

23/00801/LIPT	L'escargot Ltd	48 Greek Street London W1D 4EF	Restaurant	Monday; 10:00 - 01:00   Tuesday; 10:00 - 01:00   Wednesday; 10:00 - 01:00   Thursday; 10:00 - 01:00   Friday; 10:00 - 01:00   Saturday; 10:00 - 01:00   Sunday; 10:00 - 01:00
18/03606/LIPDPS	Lina Stores	Basement And Ground Floor 51 Greek Street London W1D 4EH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
18/10183/LIPDPS	ZIMA Russian Street Food And Bar	45 Frith Street London W1D 4SD	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:00
24/00859/LIPDPS	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 03:30
23/00491/LIPDPS	Not Recorded	Basement And Ground Floor 47 Greek Street London W1D 4EE	Cafe	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
22/09978/LIPT	Not Recorded	Basement And Ground Floor 47 Greek Street London W1D 4EE	Cafe	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
22/04199/LIPDPS	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
14/02772/LIPV	Thirst	23 - 24 Bateman Street	Night clubs and discos	Sunday; 12:00 - 23:00   Monday to

		London W1D 3AW		Saturday; 09:00 - 03:30
17/03238/LIPCH	Little Italy	21A Frith Street London W1D 4RW	Restaurant	Monday to Sunday; 09:00 - 05:30
06/12560/WCCMAP	The Delhi Brasserie	44 Frith Street London W1D 4SB	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/06668/LIPDPS	Manzis	Basement North 1 - 8 Bateman's Buildings London W1D 3EN	Restaurant	Monday; 07:00 - 23:30   Tuesday; 07:00 - 23:30   Wednesday; 07:00 - 23:30   Thursday; 07:00 - 01:30   Friday; 07:00 - 01:30   Saturday; 07:00 - 01:30   Sunday; 10:00 - 22:30
22/06120/LIPCH	Prince Edward Theatre	Prince Edward Theatre 28 Old Compton Street London W1D 4HS	Theatre	Monday to Sunday; 09:00 - 01:00
22/11030/LIPDPS	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Club or institution	Monday to Sunday; 00:00 - 00:00
18/08862/LIPVM	Japes	Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY	Restaurant	Sunday; 09:00 - 00:00   Monday to Saturday; 07:00 - 01:00
17/14701/LIPCH	Cay Tre (Soho)	42 - 43 Dean Street London W1D 4PZ	Restaurant	Monday to Sunday; 09:30 - 01:30
24/00241/LIPDPS	Gravity House	65 - 66 Frith Street London W1D 3JR	Office	Monday to Sunday; 00:00 - 00:00

21/09644/LIPDPS	G-A-Y Bar	Basement To First Floor 30 Old Compton Street London W1D 4UR	Restaurant	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 - 01:00   New Year's Eve; 00:00 - 00:00
22/09722/LIPDPS	G-A-Y Bar	Basement To First Floor 30 Old Compton Street London W1D 4UR	Restaurant	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 - 01:00   New Year's Eve; 00:00 - 00:00
17/03246/LIPCH	Bar Italia	Basement And Ground Floor Front 22 Frith Street London W1D 4RP	Cafe	Sunday; 12:00 - 05:00   Monday to Saturday; 10:00 - 05:00
23/07833/LIPDPS	Here Soho	First Floor 56 Greek Street London W1D 3DU	Office	Monday to Sunday; 09:30 - 22:30
23/07515/LIPDPS	The Groucho Club	44-45 Dean Street London W1D 4QB	Club or institution	Monday; 09:00 - 02:30   Tuesday; 09:00 - 02:30   Wednesday; 09:00 - 02:30   Thursday; 09:00 - 02:30   Friday; 09:00 - 02:30   Saturday; 09:00 - 02:30   Sunday; 12:00 - 00:00
19/15029/PREAPM	Not Recorded	44-45 Dean Street London W1D 4QB	Not Recorded	
19/00938/LIPDPS	Not Recorded	Basement 23 Frith Street London W1D 4RR	Restaurant	Sunday; 09:00 - 01:00   Monday to Saturday; 09:00 - 03:30

21/08287/LIPN	Caffe Nero	43 Frith Street London W1D 4SA	Cafe	Sunday; 06:00 - 02:00   Monday to Wednesday; 06:00 - 02:00   Thursday to Saturday; 06:00 - 04:00
20/11213/LIPT	Old Compton Brasserie	36 Old Compton Street London W1D 4US	Restaurant	Monday to Sunday; 07:00 - 01:30

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City of Westminster

## Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

03 April 2024

24/00745/LIPN - New Premises Licence

23 Barrett Street  
London  
W1U 1BF

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

James Hayes  
Principal Officer Premises Licensing

Telephone: 020 7641 6500  
Email: jhayes2@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>	6 February 2024		
<b>Applicant:</b>	Croqueteria Limited		
<b>Premises address:</b>	23 Barrett Street London W1U 1BF	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the operating schedule the premises proposes to operate as a Spanish tapas venue.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	The applicant has proposed 22 conditions which can be found at <b>Appendix 4</b> of the report.		
<b>Applicant amendments:</b>	<p>On original submission of the application, the applicant applied for the following:</p> <p>Retail Sale of Alcohol Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 10:00 to 22:30</p> <p>Late Night Refreshment Monday to Thursday 23:00 to 00:00 Friday to Saturday 23:00 to 00:30</p> <p>Opening Hours Monday to Thursday 09:00 to 00:00 Friday to Saturday 09:00 to 00:30 Sunday 09:00 to 23:00</p> <p>Following mediation with the police and local residents association, the applicant reduced the hours for the provision of late-night refreshment and the opening hours to match Westminster City Council's policy on core hours. The reduced the hours for Late Night Refreshment and Opening are reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:	From 23:00 on New Years Eve until 01:00 on New Years Day. Sundays prior to a bank holiday until midnight						

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Years Eve until 00:30 on New Years Day. Sundays prior to a bank holiday until 23:30						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Years Eve until 01:00 on New Years Day. Sundays prior to a bank holiday until midnight						
Adult Entertainment:	N/A						

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Westminster Police Licensing Team ( <b>Withdrawn</b> )
Representative:	PC Adam Deweltz
Received:	04 March 2024
Dear Westminster Licensing Services	
<p>I am writing on behalf of the Commissioner of the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for 23 Barrett Street, W1U 1BF.</p> <p>The application seeks the following licensable activities:</p> <p>Late Night Refreshment  Monday – Wednesday: 23:00 – 00:00  Thursday – Saturday: 23:00 – 00:30  Supply of alcohol  Monday – Thursday: 10:00 – 23:30  Friday and Saturday: 10:00 – 00:00</p>	

Sunday: 10:00 – 22:30

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation: The proposed licensable activities are likely to undermine the following licensing objective: The Prevention of Crime and Disorder.

The premises is located at 23 Barrett Street, W1U 1BF. The Police have concerns that a new premises, which provides Late-Night Refreshment outside of core hours on Friday and Saturday, and alcohol without a substantial table meal will adversely impact the area. The premises is located near the very busy shopping district of Oxford Street, and close by to St Christophers Place and James Street.

These streets are already saturated by licensed premises, which can bring crime and disorder to the area. The police are already struggling to cope with excessive crime levels, and this area already suffers from robberies, pickpocketing and theft. If this premises licence is granted, there is nothing stopping patrons from drinking alcohol all day without a substantial table meal, becoming intoxicated and then being targeted by robbers when they leave the premises.

Westminster's Statement of Licensing Policy 2021 states under its Public Houses and Bars Policy ("PB1") section A:

Applications outside the West End Cumulative Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities being within the council's Core Hours Policy HRS1.

The Police request that the licensing sub-committee take into account all the above points.

**Following a reduction in hours the Metropolitan Police withdrew their representation on 14 March 2024**

<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Kudzaishe Mondhlani
<b>Received:</b>	28 February 2024

I refer to the application for a new Premises Licence for the premises.

This representation is based on the operating schedule and plans of the ground floor and basement reference J002165\_A2-03.

The applicant is seeking the following.

1. To provide for the Supply of Alcohol both 'On' and 'Off' the premises Monday to Thursday between 10:00 and 23:30 hours. Friday to Saturday between 10:00 and 00:00 hours and Sunday between 10:00 and 22.30 hours. From the end of permitted hours on New Years Eve until 00:30 on New Years Day. Sundays prior to a bank holiday until 23:30.
2. To provide Late Night Refreshment both 'Indoors' and 'Outdoors' Monday to Thursday between 23:00 and 00:00 hours and Friday to Saturday between 23:00 and 00:30 hours. From 23:00 on New Years Eve until 01:00 on New Years Day. Sundays prior to a bank holiday until midnight.

I wish to make the following representation.

1. The supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

2. The provision of late-night refreshment and the hours requested may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety. Additional EH conditions may be proposed to uphold the licensing objectives.

Should you wish to discuss the matter further please do not hesitate to contact me.

## 2-B Other Persons

Name:	[REDACTED] (Withdrawn)		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	26 February 2024		

This representation is made by the Marylebone Association who are recognised by Westminster as the amenity society for the area in which this applicant is located.

We object to the application as currently drafted as it envisages the premises being open beyond Core Hours (Policy HRS1) and therefore likely to contravene PN1, the creation of a public nuisance. Other restaurants and bars in the St Christophers Place and nearby close at Core Hours or earlier and we see no good reason why there should be exceptions to the policy for this application.

**Following a reduction in hours the Interested Party withdrew their representation on 18 March 2024**

## 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following: 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
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4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:
- 6. Pubs and bars, Fast Food and Music and Dance venues**
- Monday to Thursday: 10am to 11.30pm.
- Friday and Saturday: 10am to Midnight.
- Sunday: Midday to 10.30pm.
- Sundays immediately prior to a bank holiday: Midday to Midnight.
- D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.
- Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.

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

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

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

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

## 5. Appendices

<b>Appendix 1</b>	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>	James Hayes Principal Officer Premises Licensing
<b>Contact:</b>	Telephone: 020 7641 6500 Email: jhayes2@westminster.gov.uk

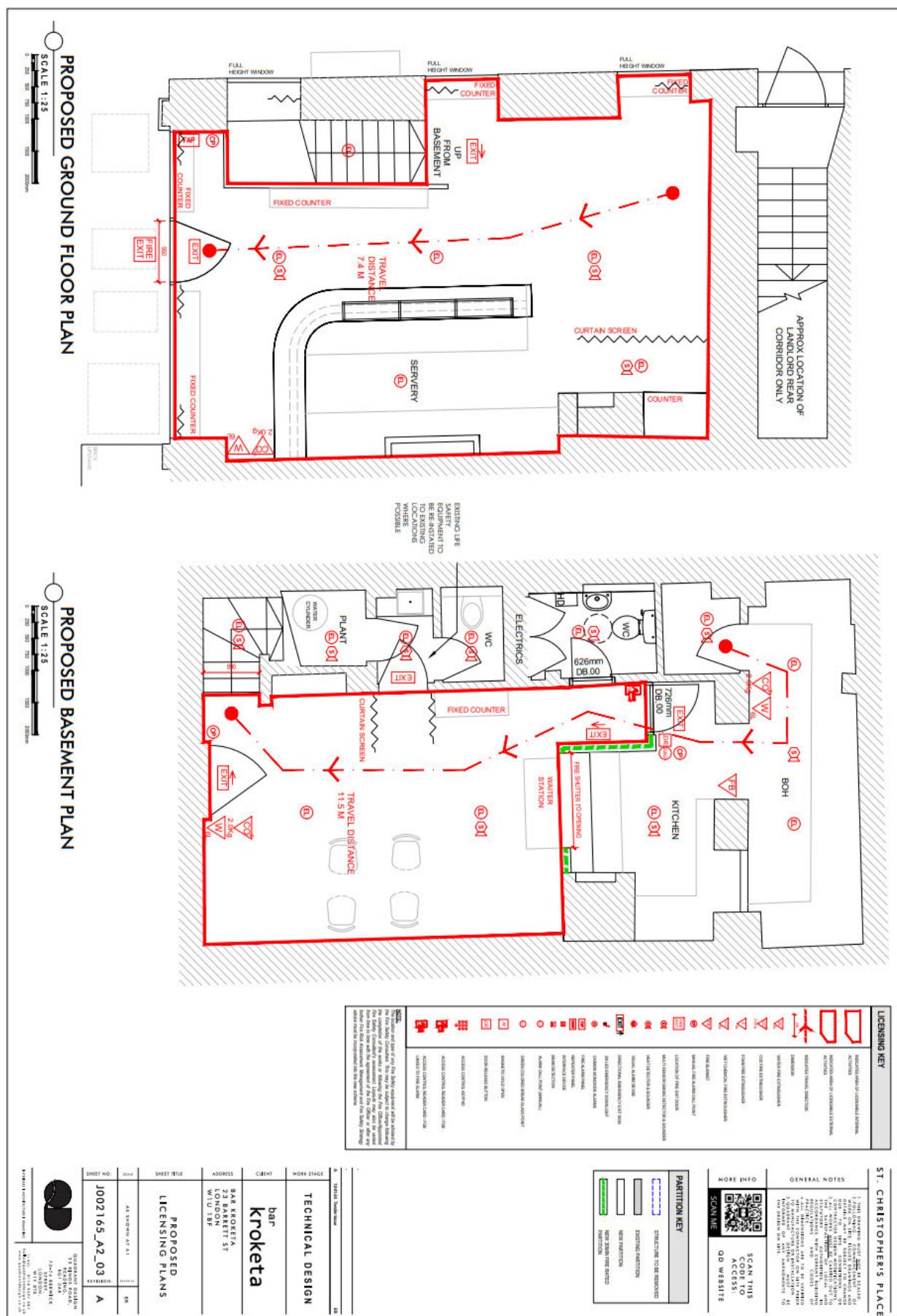
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Metropolitan Police representation	04 March 2024 <b>(Withdrawn 14 March 2024)</b>
6	Environmental Health representation	28 February 2024
7	Interested party representation	26 February 2024 <b>(Withdrawn 18 March 2024)</b>

## Premises Plans

## Appendix 1



**Applicant Supporting Documents**

None

**Appendix 2**

**Premises History****Appendix 3**

There is no licence or appeal history for the premises.

**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:  $\frac{1}{2}$  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**

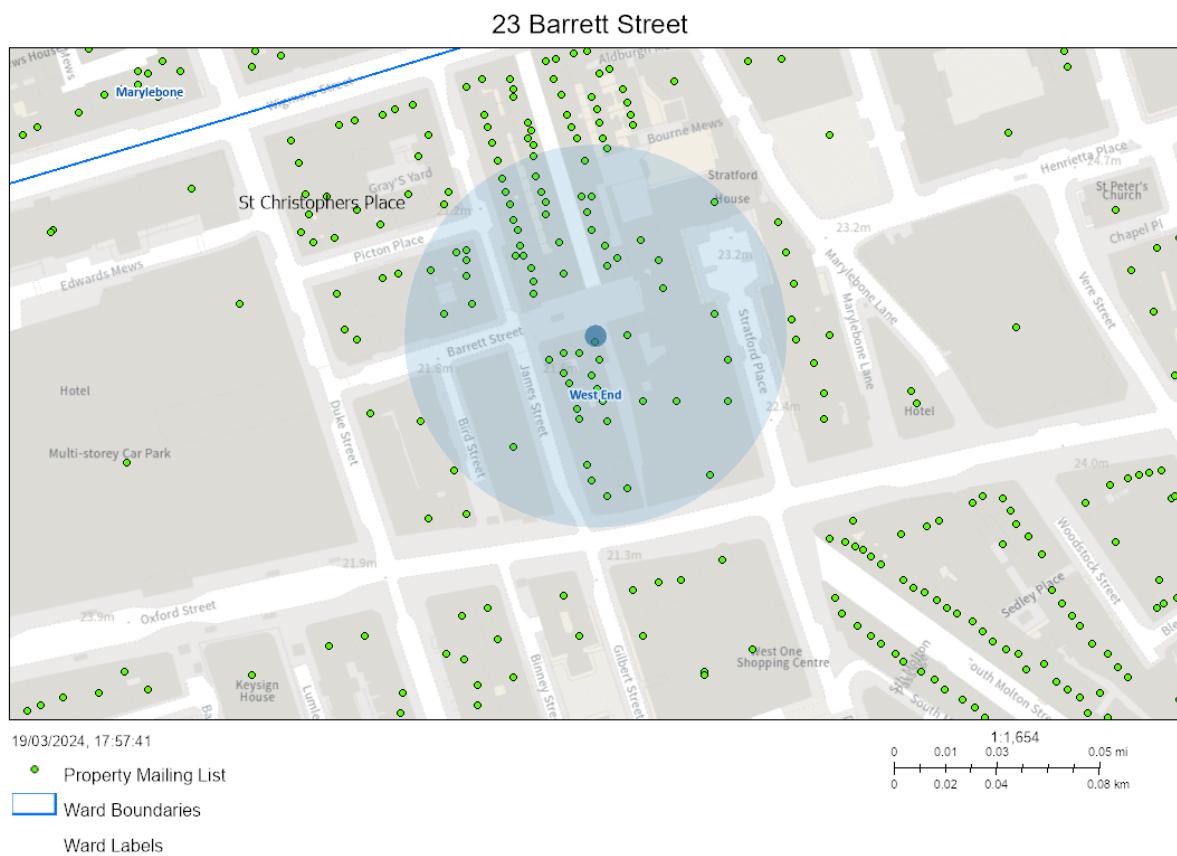
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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.
10. 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.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. 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.
13. 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.
14. Notices shall be prominently displayed at exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises, except for patrons seated at tables in the outside area.
19. 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.

20. Save in any authorised external seating area patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
21. The supply of alcohol at the premises shall only be to persons seated and by waiter or waitress service.
22. All tables and chairs shall be removed (or made unusable) from the outside area by 23.00 hours each day.
23. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
24. No fumes, steam or odours shall be emitted from the licensed premises so as to cause nuisance to any persons living or carrying on business in the area where the premises are situated.
25. Deliveries of food and drink shall only be made to a bona fide residential or business addresses.
26. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licensed premises.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
28. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
29. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined provided that the internal capacity of the premises shall be no less than 52 excluding staff; which number has been approved as being satisfactory under Building Regulations on the basis of 2 unisex WCs.

**Environmental Heath have proposed the following alternative condition:**

No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined provided that the internal capacity of the premises shall be 52 excluding staff; which number has been approved as being satisfactory under Building Regulations on the basis of 3 unisex WCs.

30. 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.



**Resident Count: 93**

Licensed premises within 75m of 23 Barrett Street				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/01691/LIPDPS	Pizza Express	21-22 Barrett Street London W1U 1BD	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/05554/LIPN	Not Recorded	22 James Street Marylebone London W1U 1EJ	Not Recorded	Monday to Sunday; 10:00 - 23:00
22/09755/LIPDPS	Lamb And Flag Public House	24 James Street Marylebone London W1U 1EL	Public house or pub restaurant	Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00
21/01529/LIPT	Not Recorded	20 James Street Marylebone London W1U 1EH	Restaurant	Monday; 11:00 - 21:30   Tuesday; 11:00 - 21:30   Wednesday;

				11:00 - 21:30   Thursday; 11:00 - 21:30   Friday; 11:00 - 21:30   Saturday; 11:00 - 21:30   Sunday; 11:00 - 21:30
23/01009/LIPVM	Isola By San Carlo	Shop Front 3 - 5 Barrett Street London W1U 1AY	Restaurant	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
22/01013/LIPDPS	Carluccios	Shop Front 3 - 5 Barrett Street London W1U 1AY	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/03975/LIPDPS	Nandos, St Christophers Place	Basement And Ground Floor 16-18 James Street Marylebone London W1U 1EG	Restaurant	Monday; 07:00 - 00:30   Tuesday; 07:00 - 00:30   Wednesday; 07:00 - 00:30   Thursday; 07:00 - 00:30   Friday; 07:00 - 00:30   Saturday; 07:00 - 00:30   Sunday; 07:00 - 00:30
21/09607/LIPV	Yamabahce	Ground 26 James Street Marylebone London W1U 1EN	Restaurant	Monday; 09:00 - 00:30   Tuesday; 09:00 - 00:30   Wednesday; 09:00 - 00:30   Thursday; 09:00 - 00:30   Friday; 09:00 - 00:30   Sunday; 12:00 - 22:30
23/07104/LIPDPS	Sofra Restaurant	Ground Floor 1 St Christopher's Place London W1U 1LT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/03365/LIPDPS	Harrys Bar	Ground Floor 32 James Street Marylebone London W1U 1EP	Restaurant	Monday to Sunday; 11:00 - 00:30
20/08110/LIPN	Not Recorded	Fourth Floor 17 - 19 Stratford Place London W1C 1BQ	Office	Monday to Sunday; 00:00 - 00:00

23/01123/LIPN	Mildreds	Basement And Ground Floor Woodstock House 10-12 James Street Marylebone London W1U 1EE	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
23/00943/LIPDPS	James Newsagent	Ground Floor 29 James Street Marylebone London W1U 1DU	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
22/12073/LIPT	Ping Pong	29A James Street Marylebone London W1U 1DZ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
24/00073/LIPCH	Cote	6 - 8 St Christopher's Place London W1U 1ND	Restaurant	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
13/02533/LIPDPS	Amjadia Indian Restaurant	St James House 15 - 16 Picton Place London W1U 1BW	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/10586/LIPCH	Honest Burgers	16-17 Picton Place London W1U 1BP	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
23/02673/LIPDPS	Truffle Burger	16-17 Picton Place London W1U 1BP	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
06/04722/WCCMAC	Oriental Club (1824) Limited	11 Stratford Place London W1C 1ES	Club or institution	Monday to Sunday; 00:00 - 00:00
20/11135/LIPN	The Oriental Club	11 Stratford Place London W1C 1ES	Brewery	Monday to Sunday; 00:00 - 23:59
23/01915/LIPCH	Flat Iron Steakhouse	44 James Street Marylebone London W1U 1EY	Restaurant	Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30

17/11173/LIPT	Eat-Thai.Net Chaopraya	22 St Christopher's Place London W1U 1NP	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
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