

Licensing Sub-Committee Report

Item No:	
Date:	19 October 2017
Licensing Ref No:	17/09329/LIPST - Application for Provisional Statement
Title of Report:	Unit 1 Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London
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:	Miss Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Applications for Provisional Statements under the Licensing Act 2003.		
Application received date:	21 August 2017		
Applicant:	Soho Estates Limited		
Premises:	Unit 1		
Premises address:	Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises will operate as an A3 restaurant unit with external seating.		
Premises licence history:	The premise has been licensed since 2006 and has used TENS.		
Applicant submissions:	This application follows pre-application advice.		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

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	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations/ Non-standard timings:		These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of New Year's Day.					

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	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations/ Non-standard timings:		These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of New Year's Day.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations/ Non-standard timings:	These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of New Year's Day.						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Sally Fabbriatore
Received:	6 September 2017
<p>I refer to the application for a Provisional Statement for a new Premises Licence for the above premises.</p> <p>The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.</p> <p>This representation is based on the Operating Schedule and the submitted plans, showing the ground floor and basement, titled with the address.</p> <p>The applicant is seeking the following on the basement and ground floor:</p> <ol style="list-style-type: none"> 1. To allow the Supply of Alcohol both 'on' and 'off' the premises Monday to Saturday 10:00- 01:00 hours and Sunday 12:00-23:30 hours. 2. To allow Late Night Refreshment 'indoors' Monday to Saturday 23:00-01:00 hours and Sunday 23:00- 23.30 hours. <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> 1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety. 2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area. <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.</p> <p>The granting of this provisional statement as presented would have the likely</p>	

effect of causing an increase in Public Nuisance in the cumulative area and may impact on Public Safety.

Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	11 September 2017

I write in relation to the application submitted for a provisional statement.

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 Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered. All of the above applications have offered model condition 66 which indicates they will operate as restaurant and therefore fall in to policy RNT2 which states that premises must demonstrate that it will not add to cumulative impact. The additional premises and their respective capacity will add to cumulative impact and therefore additional information must be submitted.

Please accept this as formal objection and we look forward to receiving additional documents.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	12 September 2017

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

There is insufficient detail within the operating schedule to promote the Licensing Objectives.

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

2-B Other Persons

Received: 15 September 2017

I am a resident of Soho.

I am aware of Soho Estate's licensing applications and the recent grant of planning permission.

I support the applications, the reasons for them, the development and their promotion of the licensing objectives in this location.

I am also aware and support the retention of the existing night-club use, which I understand has the same customer capacity. And for which planning has been granted.

I look forward to hearing from you in due course.

3. Policy & Guidance

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

Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies</p>
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact

	Areas.
--	--------

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Representation Environmental Health	6 September 2017
5	Representation Licensing Authority	11 September 2017
6	Representation Metropolitan Police Service	12 September 2017

Applicant Supporting Documents

Appendix 1

None submitted

Licence & Appeal history

Application	Details of Application	Date Determined	Decision
06/02701/LIPN	This was an application for a new premises licence.	08.06.2006	Granted by Licensing Sub Committee
07/03752/LIPV	This was an application for a variation of the premises licence: To sell alcohol at the premises Monday to Saturday 10:00 - 22:00 and Sunday 10:00 - 18:00	11.06.2007	Granted under Delegated Authority
06/06958/WCCMAP	This is a master copy of the licence.	09.06.2007	Granted under Delegated Authority
09/05380/LIPDPS	This was an application to vary the DPS.	27.08.2009	Granted under Delegated Authority
12/05139/LIPDPS	This was an application to vary the DPS.	18.07.2012	Granted under Delegated Authority
12/09289/LIPN	This was an application for a new premises licence.	13.12.2012	Licence Surrendered
15/03980/LIPN	This was an application for a new premises licence.	27.08.2015	Granted by Licensing Sub Committee
15/12062/LIPN	This was an application for a new premises licence.	29.02.2016	Granted under Delegated Authority
16/07881/LIPN	This was an application for a new premises licence.	26.09.2016	Granted under Delegated Authority
17/04758/PREAPL	This was an application for pre-application advice.	08.05.2017	

Application	Details of Application	Date Determined	Decision
13/01524/LITENP	This was an application for a Temporary Event Notice.	13.03.2013	Notice granted
15/02682/LITENP	This was an application for a Temporary Event Notice.	08.07.2015	Notice granted
15/10422/LITENP	This was an application for a Temporary Event Notice.	19.11.2015	Notice granted
15/10426/LITENP	This was an application for a Temporary Event Notice.	19.11.2015	Notice granted
15/11320/LITENP	This was an application for a Temporary Event Notice.	21.12.2015	Notice granted
16/02574/LITENP	This was an application for a Temporary Event Notice.	30.03.2016	Notice granted
16/02577/LITENP	This was an application for a Temporary Event Notice.	30.03.2016	Notice granted
16/03085/LITENP	This was an application for a Temporary Event Notice.	01.04.2016	Notice granted
16/03174/LITENP	This was an application for a Temporary Event Notice.	13.04.2016	Notice granted
16/03181/LITENP	This was an application for a Temporary Event Notice.	14.04.2016	Notice granted
16/03191/LITENP	This was an application for a Temporary Event Notice.	09.06.2016	Notice granted
16/05798/LITENP	This was an application for a Temporary Event Notice.	16.01.2017	Notice granted

16/05867/LITENP	This was an application for a Temporary Event Notice.	24.06.2016	Notice granted
16/07015/LITENN	This was an application for a Temporary Event Notice.	26.07.2016	Notice granted
16/13413/LITENN	This was an application for a Temporary Event Notice.	14.12.2016	Notice granted

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 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. 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.
12. There shall be no sales of alcohol for consumption off the premises after 23.00.
13. The tables and chairs in the courtyard shall only be used between 0800 and 23.00 each day.
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. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
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 (07.00) hours on the following day.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. 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.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
24. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
25. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

26. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

Conditions proposed by the Environmental Health

None

Conditions proposed by the Police

None

Unit 1 113 119 Charing Cross Road



October 4, 2017

● Live Licensing Act

1:1,250
0 0.01 0.02 0.04 mi
0 0.015 0.03 0.06 km
© Crown copyright and database rights 2017 OS 100021608