

Licensing Sub-Committee Report

Item No:	
Date:	26 April 2018
Licensing Ref No:	18/02747/LIPN - New Premises Licence
Title of Report:	52 Rupert Street & 2 Tisbury Court London W1D 6DS
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:	Ms Simone Murray Licensing Support Officer
Contact details	Telephone: 0207 641 1740 Email: smurray@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	12 March 2018		
Applicant:	Pocha Limited		
Premises:			
Premises address:	52 Rupert Street & 2 Tisbury Court London W1D 6DS	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the application, the premises will operate as a Japanese Restaurant with tea and sake experience room.		
Premises licence history:	The premises has benefited from a premises licence (16/07079/LIPN). The licence history can be found at Appendix 3		
Applicant submissions:	<p>We recognise that this premises is located in the West End Cumulative Impact Area.</p> <p>We also recognise that licensing policy RNT 2 will apply to this application. We contend however, that the robust series of conditions we have proposed coupled with the premises' operation will not adversely impact upon the promotion of the licensing objectives nor contribute to cumulative impact.</p> <p>This premises will be operated as a restaurant, i.e. alcohol consumption may only be made ancillary to a table meal, while the restaurant's theme is aimed at those customers who wish to experience traditional Japanese sake and teas. We suggest that the nature of our business operation will not attract those customers who are likely to want to consume alcohol to excess and hence potentially misbehave upon exiting the venue.</p> <p>We believe that the proposed conditions, which follow, enable us to comply with the provisions of WCC's licensing policies CD1, PS1, PN1, CH1 and HRS1.</p> <p>The applicant has amended the original application for the operating hours for licensable activities and the opening times in line with the Council's core hours policy Monday to Thursday: 10:00 to 23:30</p>		

	Friday and Saturday: 10:00 to midnight Other Sundays: Midday to 22:30 Sundays immediately prior to Bank Holidays: Midday to midnight
Plans	Plans are available to view upon request to the Licensing Authority and they will be made available at the 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:	N/A	N/A	N/A	23:00	23:00	23:00	N/A
End:	N/A	N/A	N/A	00:00	00:00	00:00	N/A

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	00:00	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			Sundays immediately prior to Bank Holidays: Midday to midnight				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			Sundays immediately prior to Bank Holidays: Midday to midnight				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Ms Daisy Gadd
Received:	05 th April 2018
<p>I write in relation to the application submitted for a New Premises Licence for 52 Rupert Street & 2 Tisbury Court.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority 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:</p> <ul style="list-style-type: none">· Public Nuisance· Prevention of Crime & Disorder· Public Safety· Protection of children from harm <p>The premises is located within a Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, RNT2 and HRS1.</p> <p>The application seeks to permit the following licensable activities and operating times:</p> <ul style="list-style-type: none">· Late Night Refreshment on Thursday to Saturday from 23:00 to 00:00,· Sale by Retail of Alcohol on Monday to Wednesday from 10:00 to 23:00, Thursday to Saturday from 10:00 to 00:00, and Sunday from 10:00 to 22:30. <p>The proposed operating hours for licensable activities on Thursday and Sunday fall outside of Westminster's Core Hours policy. The Licensing Authority encourages the applicant to consider reducing the operating hours for licensable activities in line with the Council's core hours policy.</p> <p>The premises currently falls within policy RNT2. At present, the applicant has offered a condition whereby alcohol is ancillary to a table meal only. The Licensing Authority would ask that the applicant considers adding the following conditions to the operating schedule on the licence to support the Council's policy relating to the sale of alcohol for consumption on the premises:</p>	

- 1) 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. 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.

- 2) There shall be no self-service of alcohol.

Furthermore, policy RNT2, as outlined in the Council's Statement of Licensing Policy 2016, states that "Applications will be granted subject to other policies... provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas." The Licensing Authority notes that the applicant has provided some information in the application form that addresses this policy concern, however it would be useful for the applicant to provide further submissions as to how the operation of the premises, along with its capacity of 26 persons, will not add to cumulative impact in the cumulative impact areas.

Further discussions will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.

Further correspondence between the Applicant and the Licensing Authority
Dated

07th April 2018

Thank you for your e-mail. In response to it I can confirm that we are willing to modify our hours to fit in with WCC's core hours, i.e.:

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

We request that the processing licensing officer, Ms Murray I believe, amends our operating schedule to reflect this modification.

With regard to your proposed condition thus –

1) 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. 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.

2) There shall be no self-service of alcohol.

- we will experience difficulty in complying with all its provisions, in particular 1(i), (ii) and (iv).

Our business does not fit easily into a pre-defined pigeon-hole. The premises is located over two rooms. One room will operate as a restaurant in which alcohol supplies will be made ancillary to a meal. The other room will operate as a 'quick-stop tea shop' in which Japanese teas and the like will be sold for consumption on and off the premises much in the way of a *Costa* or *Starbucks*. This side of the business will account for about 50% of the anticipated income. These hot drinks to take away will not be supplied after 23:00. Late night refreshment will therefore not apply to this element of the business.

With regard to 1(i) & (ii) we have a layout (please see premises plans attached) which requires that customers are seated at counters. As the premises plans (which were supplied with the application) make clear, we don't have tables as such in the premises.

Neither is there a need for waiter/waitress service. The limited space and additional salary expense would not make this viable. These two conditional provisions might therefore serve to prevent our compliance with this condition. The nature of our premises is that customers won't spend extended periods over their meals: they'll sit, they'll eat, they'll leave.

With regard to 1(iv) half the business involves hot drinks to take away, although not after 23:00. Hot drinks provided before 23:00 do not constitute the provision of a licensable activity. This should therefore not be a factor in a responsible authority's reasonable assessment of a premises licence application.

With regard to your suggestion that we provide further submissions addressing cumulative impact my previous submissions in the operating schedule and in my last e-mail form the basis of our argument further to CI. As I hope you might accept, this premises is a very small concern catering to a very small market. We are tea- rather than alcohol-led. Alcohol forms a very small element of our overall business approach. The emphasis is upon Japanese teas which will account for 50% of the business. The other 50% will be Japanese food-led. Alcoholic accompaniments will be provided only with meals and to a minimal degree.

Further to your observation that –

Policy HRS1 makes reference to the ability for residents in the local area to have an additional respite on Sunday and “expects applicants to consider how people using the premises are to depart from the premises and from the area and make reference to it in their operating schedule”

- I would direct your attention to our proposed conditions in section M(d) of our operating schedule and to the fact that we have modified our hours in line with your suggestion. Additionally, as the premises plans clarify, those diners seated in the restaurant room will be *less than ten* in number at any point. It is difficult to see how the dispersal of such a small number of diners might raise concern with regard to the potential for any adverse impact upon CI even in the unlikely circumstance that they happened to leave *en masse*.

With regard to your view that licences are granted to premises and can be easily transferred to others. It is therefore vital that the licence reflects that intended operation in a way where any potential increase to cumulative impact is mitigated I would like to politely express some concern at this statement. It appears that you may be assessing our application based upon some anticipated future use of this premises by persons other than the applicants. There is nothing in the Guidance to the Act which encourages a responsible authority to insert preventative measures into a licence to mitigate against a speculative future use by as yet unidentified individuals.

Paragraph 1.17 of the Guidance to the Act requires that each application must be considered on its own merits rather than on the perceived merits of some anticipated hypothetical future use to which the premises may be put. Paragraph 1.17 goes on to

clarify that this is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. We might reasonably consider the intended mitigation implied by the imposition of the entirety of your proposed condition to be disproportionate.

I am left feeling professionally uncomfortable that we appear to be required to add mitigating elements to our operating schedule based upon conjecture about a possible future situation which will likely never arise. As you are aware, we have offered the following condition in our operating schedule: Alcohol shall be supplied ancillary to a table meal only. We respectfully suggest that any potential future holder of this licence would be bound by this conditional requirement. This ensures the premises' continuation as a restaurant. The condition mitigates against the premises operating as a vertical drinking establishment. Any future licence holder would need to submit to your office an application to vary the licence to remove this condition in order to change the premises' operation. The responsible authorities would then have full rights of access to any such application. They would be able to make suitable representations as seen fit at that point in time as appropriate, rather than the applicant for the licence having to adopt preventative measures at this stage.

Hopefully, the mitigating effects of this condition will assuage your concerns further to the use this licence may be put at some point in an assumed future.

With regard to your request to meet with the applicant can I suggest that you contact the applicant directly via the e-mail address cc'd above, [REDACTED], copying me in of course, in order that you may arrange a mutually convenient appointment to do so. As I'm sure you are aware the 28 day consultation period for this application ends on Monday 9th April. We politely request that you are able to attend the premises at your earliest convenience. The consultation period had been underway for 25 days at the point your s.59 request to visit the premises was made. We might reasonably have hoped that your concerns might have been addressed within the consultation period rather than after its cessation.

To summarise, we have modified our hours in line with WCC's core hours further to your suggestion. In addition I have given further explanation of our premises' operation in relation to our contention that the provision of licensable activity at *Pocha* will not result in an adverse impact upon CI. I have also provided reassurance further to our belief that any future holders this licence may have will not be able to operate in any way other than as a restaurant without seeking a s.34 application to modify the use to which the licence may be put.

I hope all this is sufficient to allay your concerns and enable your representation against our application to be withdrawn. I look forward to your confirmation either way at your earliest convenience.

Email from Licensing Authority to Applicant

06th April 2018

Thank you for your email.

To start, I would like to address the point made in relation to policy CIP1 and its relevance to this application. The Council's Statement of Licensing Policy 2016 states that, under policy CIP1, "Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies" (inclusive of policies such as RNT2 and HRS1) "and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas." As highlighted in my representation sent on 5 April 2018, the application does fall within policy RNT2. The Council's policy for applications that fall within this remit within the cumulative impact area is as follows:

"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."

Although you have noted in the application form that the conditions that have been proposed coupled with the premises' operation will not contribute to cumulative impact, paragraph 2.4.4 of the policy states that an application cannot be viewed as exceptional "on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator". As a result of this, the Licensing Authority would like to continue to encourage the applicant to provide further submissions as to how the proposed operation of the premises, and the capacity of 26 people, will not add to cumulative impact in the Cumulative Impact Areas.

As you have highlighted, you intend to operate the premises as a small restaurant and not a premises where vertical drinking is permitted or where large crowds of people will be frequenting. However, licences are granted to premises and can be easily transferred to others. It is therefore vital that the licence reflects that intended operation in a way where any potential increase to cumulative impact is mitigated. On original submission of the Licensing Authority's representation, it was encouraged that the applicant considers reducing the operating hours for licensable activities to be in line with Westminster's Core Hours policy. Policy HRS1 makes reference to the ability for residents in the local area to have an additional respite on Sunday and "expects applicants to consider how people using the premises are to depart from the premises and from the area and make reference to it in their operating schedule."

It would be useful for the applicant to provide further submissions as to how the premises will address the concerns regarding cumulative impact and the operating hours for licensable activities. Conditions have been proposed by the Licensing Authority but have not yet been agreed with the applicant, so an update on the applicant's position with regards to these conditions would be helpful. I would like to schedule in time to meet with the applicant and discuss the application and the policy concerns raised in relation to this application. Could you please let me know your availability for next week?

Responsible Authority:	The Environmental Health Consultation Team
Representative:	Maxwell Koduah
Received:	22 nd March 2018

I refer to the application for a new Premises Licence for the above mentioned premises. These premises are located within the West End Cumulative Impact area.

This representation is based on a Ground Floor plan by UK Survey Ltd dated 23/03/2016 submitted with the operating schedule considered in line with the relevant policies within Council's Statement of Licensing Policy dated January 2016

The applicant is seeking the following licensable activity:

1. Provision of Late night refreshment (LNR) "Indoors" from 23:00 to 00:00 hours
Thursday to Saturday

2. Supply of alcohol for consumption "On the premises" at the following times:
Monday to Wednesday: 10:00 to 23:00 hours
Thursday to Saturday: 10:00 to 00:00 hours
Sunday: 10:00 – 22:30 hours

Following consideration of the application and how it may affect the Licensing objectives meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:

1. The hours requested to provide late night refreshment may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
2. The supply of alcohol and the hours requested may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area

The hours requested to provide LNR is 30 minutes longer than the council's core hours for the area on Thursday. In addition, the hours requested to supply alcohol is longer than the council's core hours for Thursday & Sunday. The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health and additional conditions may be proposed.

It is my view that there is insufficient information to address the concerns of public nuisance and public safety associated with trading longer hours within the West End Cumulative Impact area. As such if further information is not forthcoming, the granting of the application, as presented, would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives

2-B Other Persons

Received: 05 Apr 2018

I am a tenant of Dewhurst House and I have lived in the first floor flat for nearly 36 years. My flat is situated on the corner of Rupert Street and Winnett Street. The application for a licence is from the occupiers of 52 Rupert Street. This is on two floors and the top floor is directly next to my kitchen.

I object to the application for licence because a restaurant will no doubt disturb the residents in the building and change the neighbourhood. There are too many bars and eateries in that area and another one will mean more pollution, noise, fumes, and attract rodents and cockroaches.

I believe it will be contrary to health and safety. I am also very worried about the noise from the fan and extractors from the kitchen if a licence is given. Further, the fumes from the restaurant will be over bearing and my home is just right above/next to it. A late licence will also mean noisy customers late at night and in the early hours of the morning.

The area in Soho near to my home is already over crowded and polluted and having another restaurant, and in so close proximity to my home, will only make things worse. I would therefore ask the council to take into account the lives and wellbeing of the local residents and how we will be affected and refuse the application.

Received: 20 Mar 2018

I have no objection to issuing a license to these premises if there is a cut off time prior to 11pm, but anything beyond that is problematic. I have lived on the corner of Rupert St and Tisbury Court for the last 17 years, and the noise levels and general nuisance level from drunks and druggies has got increasingly bad in that time. It's also a problem if people step outside to smoke, as the premises are directly opposite my block, which contains four residential flats. So I would have to say that it's unacceptable to we residents to have yet another place open beyond reasonable hours, which in my opinion is up to 11pm.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	(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. (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.
Policy CIA1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy FFP2 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.

4. Equality Implications

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

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

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

5. Appendices

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:	Ms Simone Murray Licensing Support Officer
Contact:	Telephone: 0207 641 1740 Email: smurray@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	April 2017
4	Application Form	12 th March 2018
5	The Licensing Authority	05 th April 2018
6	Environmental Health	22 nd March 2018
7	Representation	05 th April 2018
8	Representation	20 th March 2018

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
16/07079/LIPN	Application for New Premises Licence	08 th September 2016	Granted by Licensing Sub Committee

There is no 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: 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. All staff shall be suitable trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review and shall be made available to a relevant responsible authority when called upon.
10. Alcohol shall be supplied ancillary to a table meal only.
11. A properly specified and fully operational CCTV recording system shall be installed, operated and maintained. The system shall incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard' of all persons entering and/or leaving the premises. The CCTV system shall be in operation at the premises at all times when the premises are used for the provision of licensable activity. All CCTV recordings shall be securely stored for a minimum of one calendar month. A staff member from the premises who can operate the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.
12. The premises shall uphold a zero tolerance policy in relation to illegal drugs.
13. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include, but not be limited to, complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises and all refusals to sell alcohol. The register shall be readily available for inspection by an authorised person upon reasonable request.
14. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
15. The capacity of the premises, excluding staff, shall be 26.
16. The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.
17. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
18. Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.
19. Signage requesting customers to be respectful of others when entering or leaving the premises shall be installed in a prominent position by the premises' exit.
20. Patrons smoking outside the premises shall be monitored regularly to ensure the potential for noise nuisance is controlled.
21. The premises' frontage shall be regularly monitored to keep it clean and clear of litter.
22. The management shall ensure that receptacles for waste are emptied regularly to minimise nuisance smells.
23. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are the following recognised photographic identification

cards: a driving licence, a passport, a military identification card or a Proof of Age card carrying a 'PASS' logo.

24. All occasions when persons have been refused service shall be recorded in the premises daily register.
25. There shall be no children unaccompanied by a responsible adult on the premises after 21:00.
26. All children under the age of 12 years shall be accompanied by an adult whilst on the premises.

Conditions proposed by the Local Authority

27. 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.
28. There shall be no self-service of alcohol.

Residential Map and List of Premises in the Vicinity



Resident Count: 252

Licence Number	Trading Name	Address	Premises Type	Time Period
17/14162/LIPVM	Rupert Street Bar	50 Rupert Street London W1D 6DR	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:50 Sundays before Bank Holidays; 12:00 - 00:00
16/07079/LIPN	Vegan Hippo	52 Rupert Street London W1D 6DS	Restaurant	Monday to Thursday; 06:30 - 22:00 Friday to Saturday; 06:30 - 23:30 Sunday; 08:00 - 22:00
16/09817/LIPN	Sophisticats	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sexual Entertainment Venue	Monday to Saturday; 09:00 - 06:00 Sunday; 09:00 - 05:00 New Year's Eve; 00:00 - 00:00
14/08411/LIPN	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00
12/07184/LIPT	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court London W1D 6BD	Shop	Friday to Saturday; 09:00 - 01:00 Sunday to Thursday; 09:00 - 00:00
06/06238/WCCMAP	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

16/10909/LIPDPS	Lils	53 Rupert Street London W1D 7PH	Restaurant	Monday to Thursday; 07:00 - 23:00 Friday; 07:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank Holidays; 08:00 - 00:00
17/09678/LIPCH	Spuntino	61 Rupert Street London W1D 7PW	Restaurant	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
17/05525/LIPDPS	Duke Of Wellington	77 Wardour Street London W1D 6QA	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
12/00517/LIPDPS	The Friendly Society	Basement 79 Wardour Street London W1D 6QB	Night clubs and discos	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
18/00940/LIPDPS	Bubbleology	49 Rupert Street London W1D 7PJ	Shop (large)	Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00

16/04370/LIPDPS	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street London W1D 6QD	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00
13/02057/LIPN	Kirazu	47 Rupert Street London W1D 7PD	Restaurant	Monday to Sunday; 11:30 - 23:00
17/02027/LIPVM	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Theatre	Monday to Sunday; 09:00 - 00:00
17/12281/LIPDPS	O' Bar	83-85 Wardour Street London W1D 6QE	Public house or pub restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00
10/01721/LIPVM	The Yard Bar	57 Rupert Street London W1D 7PJ	Wine bar	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
16/10095/LIPDPS	White Horse Public House	45 Rupert Street London W1D 7PB	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00

14/08656/LIPT	Wok To Walk	Ground Floor 4 Brewer Street London W1F 0SB	Cafe	Monday to Saturday; 11:00 - 01:00 Sunday; 11:00 - 00:00
06/12416/WCCMAP	Soho Food And News	2 Brewer Street London W1F 0SD	Shop	Monday to Sunday; 09:00 - 03:00
12/01675/LIPDPS	Randall & Aubin	16 Brewer Street London W1F 0SQ	Cafe	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
14/09062/LIDPSR	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 01:00 Sundays before Bank Holidays; 12:00 - 03:30
14/09057/LIDPSR	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 01:00 Sundays before Bank Holidays; 12:00 - 03:30
17/02049/LIPVM	Queens Theatre	Queens Theatre Ltd Shaftesbury Avenue London W1D 6BA	Theatre	Monday to Sunday; 09:00 - 00:00

17/12283/LIPT	Damson & Co	21 Brewer Street London W1F ORL	Restaurant	Monday to Sunday; 08:00 - 21:45 Sundays before Bank Holidays; 08:00 - 00:00
17/00277/LIPVM	The Box	11-12 Walker's Court London W1F OED	Night clubs and discos	Monday to Saturday; 09:00 - 04:00 Sunday; 09:00 - 00:30
13/09851/LIPN	The Boulevard Theatre	8 - 9 Walker's Court London W1F OBY	Theatre	Monday to Thursday; 09:00 - 23:30 Monday to Saturday; 09:00 - 01:00 Monday to Sunday; 09:00 - 22:00 Friday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 22:30 Sundays before Bank Holidays; 09:00 - 00:00
14/06422/LIPT	Soho Cinema	8 - 9 Walker's Court London W1F OBY	Cinema	Monday to Sunday; 09:00 - 01:00
15/08865/LIPN	The Box	11-12 Walker's Court London W1F OED	Night clubs and discos	Monday to Saturday; 09:00 - 04:00 Sunday; 09:00 - 00:30
15/09155/LIPV	Lina Stores	18 Brewer Street London W1F OSH	Shop	Monday to Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00

13/02742/LIPDPS	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/03644/LIPN	Cutter And Squidge	20 Brewer Street London W1F 0SJ	Shop (large)	Monday to Wednesday; 09:30 - 21:00 Thursday; 09:30 - 22:00 Friday; 09:30 - 23:00 Saturday; 10:00 - 23:00 Sunday; 11:00 - 21:30
06/05841/WCCMAP	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
15/02786/LIPDPS	El Camion	25-27 Brewer Street London W1F 0RR	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00
17/04220/LIPDPS	Cafe Monico	39 - 45 Shaftesbury Avenue London W1D 6LA	Restaurant	Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 00:00
17/06767/LIPT	Yalla Yalla	Basement And Ground Floor 1 Green's Court London W1F 0HA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

17/10558/LIPDPS	Yalla Yalla	Basement And Ground Floor 1 Green's Court London W1F 0HA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/05560/WCCMAP	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
17/01943/LIPDPS	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street London W1D 4UN	Cafe	Monday to Sunday; 10:00 - 00:30
17/08789/LIPDPS	Bocca Di Lupo	Ground Floor 12 Archer Street London W1D 7BB	Restaurant	Monday to Saturday; 07:30 - 00:00 Sunday; 11:00 - 23:30
16/07760/LIPDPS	Poppies Fish Chips	55-59 Old Compton Street London W1D 6HP	Cafe	Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 01:00
17/07738/LIPDPS	Chilango	24 Brewer Street London W1F 0SN	Restaurant	Monday to Friday; 10:00 - 23:00 Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30

17/06328/LIPDPS	Freedom	Basement And Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00
16/11472/LIPN	Starbucks	Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Thursday; 23:00 - 23:30 Friday to Saturday; 23:00 - 00:00
12/08457/LIPDPS	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
14/09064/LIDPSR	Restaurant	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Restaurant	Monday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 00:00
14/09063/LIDPSR	(Restaurant)	Basement And Ground Floor 6 Walker's Court London W1F 0BU	Restaurant	Monday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 00:00
10/10055/LIPRW	Gelupo	7 Archer Street London W1D 7AU	Cafe	Tuesday to Saturday; 11:00 - 01:00 Sunday to Wednesday; 11:00 - 23:00

18/01086/LIPT	Byron	99 Wardour Street London W1F 0UF	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
16/01861/LIPVM	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00