



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 27th November, 2014**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Tim Mitchell (Chairman)
Nick Evans
Aziz Toki

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

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

The Head of Legal and Democratic Services to report any changes to the membership.

2. DECLARATIONS OF INTEREST

Licensing Applications for Determination

1. 14 MELCOMBE STREET, NW1

(Pages 1 - 76)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
1.	Bryanston And Dorset Square / Not Applicable	14 Melcombe Street, NW1	Variation	14/08184/LIPV

2. ONE HOUSING SOHOSTEL, WEST END HOUSE, 91-92 DEAN STREET, W1

(Pages 77 - 122)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
2.	West End / West End	One Housing Sohostel, West End House, 91-92 Dean Street, W1	New	14/08365/LIPN

3. HARMONY, 103A OXFORD STREET, W1

**(Pages 123 -
162)**

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
3.	West End	Harmony, 103A Oxford Street, W1	Sex Establishme nt Licence Renewal	14/00509/LISE XR

**Peter Large
Head of Legal & Democratic Services
21 November 2014**

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

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

PERMITTED TEMPORARY ACTIVITIES

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.



City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/08184/LIPV
Date:	27 November 2014
Classification:	For General Release
Title of Report:	14 Melcombe Street London NW1 6AH
Report of:	Operational Director – Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Environmental Health Case Officer (Licensing)
Contact Details:	Telephone: 020 7641 1868 E-mail: seaton1@westminster.gov.uk

APPLICATION DETAILS

Application Type:	Variation of the premises licence under the Licensing Act 2003.		
Applicant:	Saporito & Co LLP	Date Application Received:	26 September 2014 Validated 6 th October 2014
Premises Name and Address:	14 Melcombe Street London NW1 6AH		
Ward Name:	Bryanston And Dorset Square	Stress Area:	No
Premises Description:	The premises operates as a café over the Basement & Ground Floor.		
Variation description:	To increase the premises opening hour by one hour on Sunday's to 9:00 and to remove conditions 12 and 14 which relate to ancillary use.		

1. Proposed Licensable Activities and Proposed Hours:

1.1 The variation seeks to extend licensable activities as detailed below.

<u>Licensable activities permitted under the existing Premises Licence 13/05851/LIPN</u>	<u>Variation to Licensable Activities</u>
Sale of Alcohol: On and Off Sales Monday to Thursday: 12:00 to 22:00 Friday to Saturday: 12:00 to 23:00 Sunday: 12:00 to 20:00	Sale of Alcohol: On and Off Sales No change.
Capacity Not assessed	Capacity No change.
Opening Hours Monday to Thursday: 07:00 to 22:00 Friday to Saturday: 07:00 to 23:00 Sunday: 10:00 to 22:00	Opening Hours Monday to Thursday: No change Friday to Saturday: No change Sunday: 09:00 to 22:00 (No change to terminal hour)

1.2 Variation to conditions

To delete the following conditions:

Condition 12:

The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Condition 14:

Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.

2. Relevant representations

- 2.1 An adverse representation has been received by the **Environmental Health Service** stating the proposals are likely to increase Public Nuisance and may impact upon Public Safety. Conditions have been proposed and agreed and can be found in **Appendix B**.
- 2.2 An adverse representation has been received by the **Police Licensing Team** stating that the application if granted would undermine the Licensing Objectives. Conditions have been proposed and agreed and can be found in **Appendix B**. Following the agreement to conditions the Metropolitan Police Service have withdrawn their representation.
- 2.3 Adverse representations have been received from **twelve interested parties** stating that they have concerns regarding alcohol being able to be bought without food and the premises becoming a bar. Residents have stated they have concerns regarding noise, vandalism and nuisance.
- 2.4 Supporting comments have been received from **ten interested parties** who support the application.

3. Policies Applicable

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

Prevention of crime and disorder (CD1)
Public Safety (PS1)
Prevention of public nuisance (PN1)
Protection children from harm (CH1)
Hours (HRS1)
Bars and Pubs outside of the Stress Area (PB1)

- 3.2 **Policy HRS1 applies:**

- (i) Applications for hours within the core hours set out 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 in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy.

3.3 Policy PB1 Applies:

Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Summary

4.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

4.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in **Appendix B** to this report.

5. Current Licensing Position

5.1 The premises currently hold a Premises Licence 13/05851/LIPN. A full history of the premises licence can be found at **Appendix A**.

6. Current Planning Position

6.1 Planning permission was granted on 12th April 2007 for Retention of use of ground and basement floor levels as a coffee shop/ cafe (Sui Generis) with opening hours of between 06.00 and 18.00hrs Monday to Friday, 06.00 and 16.00hrs on Saturdays and closed on Sundays. (07/01553/FULL)

The lawful use is therefore Sui Generis (coffee shop/café)

The hours of operation specified in the description of development are reflected in Condition 1 of the planning permission. Condition 2 specifies that raw or fresh food must not be cooked on the premises.

There are no further planning conditions nor do we have any record of any further planning applications nor planning enforcement history since 2007.

7. Residential Density

140 of the 180 units within a 75m radius of the premises are residential, proposed residential or under construction (78%). Please refer to **Appendix C**

8. List of Appendices

- A – Premises Licence History
- B - Conditions
- C – Residential Map and list of premises in the vicinity

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)
- Application form
- Variation Description
- Existing Premises Licence - 13/05851/LIPN
- Representations received
- Photos

APPENDIX A

Licence & Appeal History

Application	Details of Application	Date determined	Decision
New Premises Licence 13/05851/LIPN	Application for a New Premises Licence for the Sale of Alcohol on and off the premises.	07.11.2013	Granted by Licensing Sub Committee.
Variation Application 14/08184/LIPV	Application to vary the licence to extend opening hours and remove ancillary conditions.		<i>Pending Application</i>

There is no appeal history for this premises.

APPENDIX B

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

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

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

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

Conditions: Attached to the existing Premises Licence – 12/08903/LIPDPS

Annex 1 - Mandatory Conditions:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that;
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

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

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

(Mandatory conditions 1-9 to be updated accordingly)

Annex 2 – Conditions consistent with the operating Schedule

None.

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

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 preceding 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. ***The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.***

To Be Amended to EH Condition (As agreed with the applicant):

The supply of alcohol for consumption on the premises shall only be to persons seated.

13. The supply of alcohol shall be by waiter or waitress service only.
14. ***Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal. (Proposed for Deletion)***
15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
16. All tables and chairs shall be removed from the outside area by 23.00 each day.
17. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
18. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0700 hours.
19. Deliveries to the premises shall only take place between 0800 and 2300 hours save for deliveries of freshly baked products.
20. During the hours of operation 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 the aforementioned 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.
21. The number of persons seated at any one time (excluding staff) shall not exceed 34.
22. No beer or cider above 5.5% ABV to be sold from the premises, excepting premium beers in glass bottles only, such premium beers to be identified on request to the Licensing Authority and the Police.
23. No more than 10% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
24. All cashiers will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.
25. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
26. A Challenge 21 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.

27. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

Conditions proposed by the Environmental Health Service & the Metropolitan Police Service and agreed with the applicant:

29. There shall be no sale or supply of alcohol by draught.
30. 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 concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

Mandatory conditions to be added to the licence should the licence be granted:

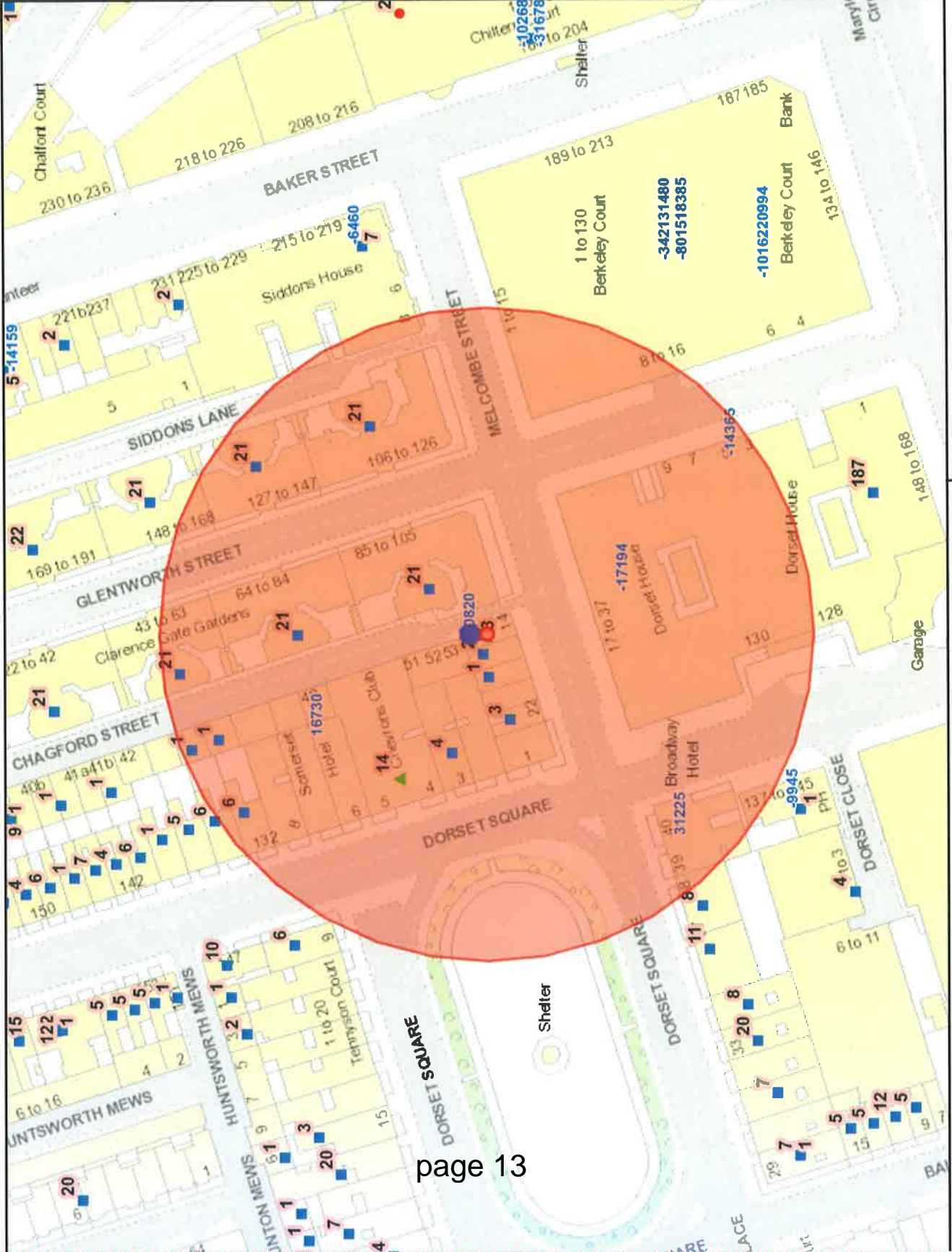
- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic 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.



APPENDIX C

Residential / Proposed Residential	126
Under Construction	14
Other Uses	40
Proportion Residential of all Uses	78%

Data Source: Uniform Datab

Date: 14/11/2014

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Premises within 75 metres of: Caffè Saporito, 14 Melcombe Street, London NW1 6AH

p / n	Name of Premises	Premises Address	Opening Hours
-17194	Oddbins	35 Melcombe Street London NW1 6AG	Monday to Sunday 09:00 - 22:30
-14365	The Phoenix Palace Chinese Restaurant	5 Glentworth Street London NW1 5PG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
10820	Caffè Saporito	14 Melcombe Street London NW1 6AH	Monday to Thursday 07:00 - 22:00 Friday to Saturday 07:00 - 23:00 Sunday 10:00 - 20:00
16730	Somerset Hotel	6-7 Dorset Square London NW1 6QA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
31225	Dorset Square Hotel	39-40 Dorset Square London NW1 6QN	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00

BACKGROUND DOCUMENTS



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SAPORITO & Co LLP

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	13/05851/LIPN
-------------------------	---------------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Caffe Saporito 14, Melcombe Street			
Post town	LONDON	Postcode	NW1 6AH

Telephone number at premises (if any)	02072623377
Non-domestic rateable value of premises	£ 22,500

Part 2 – Applicant details

Daytime contact telephone number	07500047009		
E-mail address (optional)	mfinetto@gmail.com		
Current postal address if different from premises address			
Post town		Postcode	

[Type text]

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

See attached "Part 3 - Variation"

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

[Type text]

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

[Type text]

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

[Type text]

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

[Type text]

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

[Type text]

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<u>Please give further details here (please read guidance note 3)</u>			
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>			
Thur						
Fri.			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>			
Sat						
Sun						

[Type text]

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

[Type text]

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
			State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Tue						
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Wed						
Thur						
Fri						
Sat						
Sun						

[Type text]

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

[Type text]

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

[Type text]

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

[Type text]

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	12.00	22.00	State any seasonal variations for the supply of alcohol (please read guidance note 4) <i>Customers are served, sitting down, indoors and a few tables outdoors</i>	Both	<input checked="" type="checkbox"/>
Tue	12.00	22.00			
Wed	12.00	22.00			
Thur	12.00	22.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	20.00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

[Type text]

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Day	Start	Finish	
Mon	07.00	22.00	
Tue	07.00	22.00	
Wed	07.00	22.00	
Thur	07.00	22.00	
Fri	07.00	23.00	
Sat	07.00	23.00	
Sun	09.00	20.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

[Type text]

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

All checked and signed off according to all four licensing objectives before we received our Premises Licence 10th of December 2013

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

[Type text]

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

[Type text]

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Maximiliano Finetto</i>
Date	<i>23/09/14</i>
Capacity	<i>Partnership Saporito & Co LLP</i>

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Elisabet Finetto</i>
Date	<i>23/09/14</i>
Capacity	<i>Partnership Saporito & Co LLP</i>

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Part 3 – Variation

The current licence we hold on these premises demands that the intake of alcohol be accompanied by food. We are proposing that we be granted the right to serve our customers alcohol without intake of food.

We are frequently asked by our customers to serve them a glass of wine/beer on it's own. The general consensus is that, given the type of establishment we run, it seems unreasonable that we should not be able to accommodate this. This request has even been noted on tripadvisor. We have explained that these are the rules that Westminster Council have imposed upon us.

Understandably, both our customers and ourselves find it hard to see the logic in this, when people can go across the road and buy alcohol directly from Tesco, Newsagents or three pubs around the corner.

Saporito is starting to become an established local cafe /restaurant. We have many middle aged and elderly people coming regularly as they finally have a local place to go to. Not to mention all the young professional women and men that now choose to spend their lunches and evenings at Saporito.

To date we have had no problems with any noisy or abusive behavior since we received the licence for our premises, much thanks to our respectable clients and that we take our obligations seriously.

It would be underestimating the people in this residential area to think that they couldn't take on the responsibility of having a glass of wine close to home. Saporito offers another environment ,different from that of a pub ,which sole purpose is drinking.

We hope that you will consider our application favorably and by that endorsing the success of our small business venture.

SAPORITO &CO LLP



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Bryanston And
Dorset Square
UPRN: 100022780646

Premises licence

Regulation 33, 34

Premises licence number:

13/05851/LIPN

Original Reference:

13/05851/LIPN

Part 1 – Premises details

Postal address of premises:

Caffe Saporito
14 Melcombe Street
London
NW1 6AH

Telephone Number: 020 7262 3377

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Thursday:	12:00 to 22:00
Friday to Saturday:	12:00 to 23:00
Sunday:	12:00 to 20:00

The opening hours of the premises:

Monday to Thursday:	07:00 to 22:00
Friday to Saturday:	07:00 to 23:00
Sunday:	10:00 to 20:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Saporito & Co LLP
14 Melcombe Street
London
NW1 6AH

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

OC383545

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

Name: Mr Maximilian Finetto

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 13/07167/LIPERS
Licensing Authority: City Of Westminster Council

Date: 10th December 2013

Signed:

pp



Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

Annex 2 – Conditions consistent with the operating Schedule

None.

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

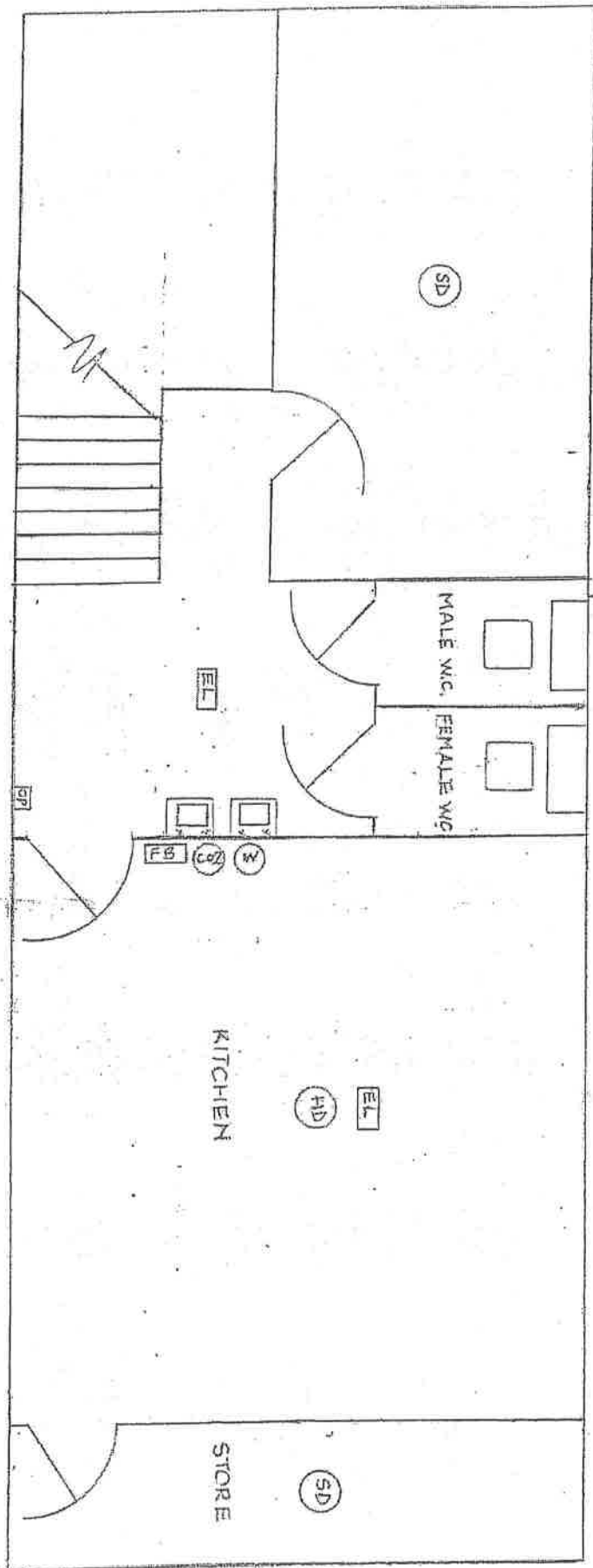
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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 preceding 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
13. The supply of alcohol shall be by waiter or waitress service only.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
16. All tables and chairs shall be removed from the outside area by 23.00 each day.
17. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
18. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0700 hours.
19. Deliveries to the premises shall only take place between 0800 and 2300 hours save for deliveries of freshly baked products.
20. During the hours of operation 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 the aforementioned 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.
21. The number of persons seated at any one time (excluding staff) shall not exceed 34.
22. No beer or cider above 5.5% ABV to be sold from the premises, excepting premium beers in glass bottles only, such premium beers to be identified on request to the Licensing Authority and the Police.
23. No more than 10% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
24. All cashiers will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year.

Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.

25. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
26. A Challenge 21 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.
27. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

Annex 4 – Plans

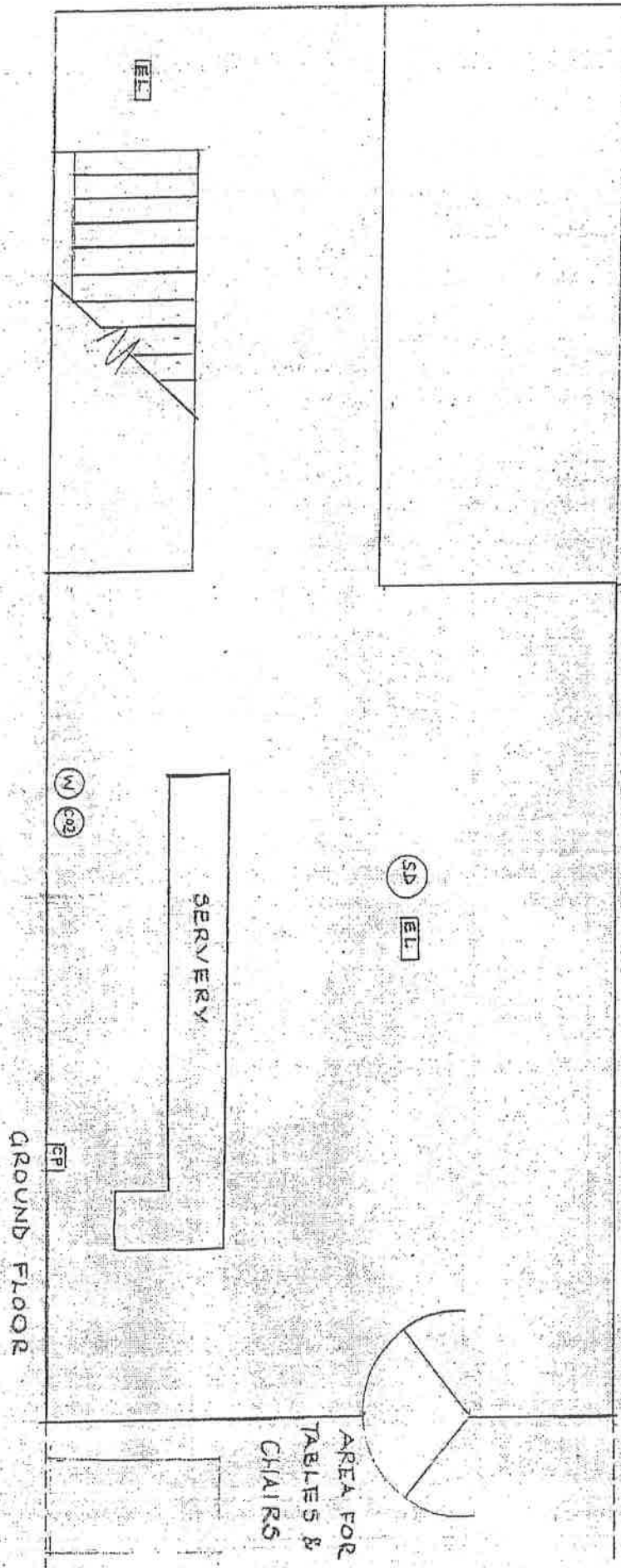
Attached



BASEMENT
 "Ca He Saporito"

14 WELCOME STREET
 LONDON NW1
 SCALE 1:50

- EL EMERGENCY LIGHTING
- SD SMOKE DETECTOR
- CP CALL POINT
- FB FIRE BLANKET
- CO2 CO2 FIRE EXTINGUISHER
- W WATER FIRE EXTINGUISHER



14, MELCOMBE STREET NW1

SCALE 1:50



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

Schedule 12
Part B

**WARD: Bryanston And
Dorset Square
UPRN: 100022780646**

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

13/05851/LIPN

Part 1 – Premises details

Postal address of premises:

Caffe Saporito
14 Melcombe Street
London
NW1 6AH

Telephone Number: 020 7262 3377

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Thursday:	12:00 to 22:00
Friday to Saturday:	12:00 to 23:00
Sunday:	12:00 to 20:00

The opening hours of the premises:

Monday to Thursday:	07:00 to 22:00
Friday to Saturday:	07:00 to 23:00
Sunday:	10:00 to 20:00

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

Alcohol is supplied for consumption both on and off the Premises.

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

Saporito & Co LLP
14 Melcombe Street
London
NW1 6AH

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

OC383545

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

Name: Mr Maximilian Finetto

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

Restricted

Date: 10th December 2013

Signed: pp



Operational Director - Premises Management

TO Licensing Officer

REFERENCE 14/08184/LIPV

FROM EH Consultation Team, 4th Floor (West) City Hall
REFERENCE 14/042076/EHCT
BEING DEALT WITH BY David Nevitt
TELEPHONE 3188
DATE 20.10.2014

LICENSING ACT 2003

APPLICATION FOR A VARIATION TO A PREMISES LICENCE

CAFFE SAPORITO, 14 MELCOMBE STREET, NW1

I refer to the above application which seeks a Variation to Premises Licence 13/05851/LIPN to include the following:

Deletion of Conditions 12 and 14

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

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

David Nevitt
Environmental Health Officer

PROPOSED EH AND POLICE CONDITIONS

CAFÉ SAPORITO, 14 MELCOMBE STREET

14/08184/LIPV

14.11.2014

The applicant seeks to vary the current Licence (Ref: 13/05851/LIPN) so as to allow customers to consume alcohol on the premises without the requirement for the alcohol to be ancillary to a meal. This requires the deletion or amendment of existing Condition 12. I propose the following amendment of Condition 12:

The supply of alcohol for consumption on the premises shall only be persons seated.

The Licence already includes the requirement for waiter/waitress service at Condition 13.

The applicant would also like to be able to sell alcohol for consumption 'Off' the premises without the need for the alcohol to be ancillary to a take away meal. This requires deletion of existing Condition 14. In relation to 'Off' sales, the existing Licence Conditions 15, 22 and 23 remain.

Police and EH also propose the following:

There shall be no sale or supply of alcohol by draught.

MC49 – incident log.

Environmental Health will maintain a Representation in respect of this application because there are a number of Representation from local residents.

David Nevitt

Eaton, Sam

From: maximilian@finetto.com
Sent: 14 November 2014 12:33
To: Nevitt, Dave
Cc: Eaton, Sam; Lewis, Bryan
Subject: Re: PROPOSED EH AND POLICE CONDITIONS 14 MELCOMBE STREET 14.11.2014.doc

Hi David

Thank you for this. Yes I agree to all the conditions.

Thank you very much

Kind regards
Maximilian Finetto

On November 14, 2014, Nevitt, Dave <dnevitt@westminster.gov.uk> wrote:

Mr. Finetto,

Further to our conversation on site yesterday I attach some comments and proposed Conditions for your consideration and comment. If you are in agreement with what is proposed you should confirm by email to the Licensing service (Samantha Eaton) and myself. You will see that I have copied in Bryan Lewis (Police Licensing). Bryan and I have discussed your application and the attached comments includes his proposed Conditions.

Many thanks.

The way you register to vote has changed. Find out what you need to do here.
<http://bit.ly/1slv9lv#>

If you have a business in Westminster, we can take care of your commercial waste or recycling.
Visit <http://cleanstreets.westminster.gov.uk> or call 020 7641 6180.

How can we make it easier for you to be involved in council decisions? Let us know by completing an online survey
<http://www.surveygizmo.com/s3/1729127/Community-Engagement-Survey> or come along to a drop-in session <https://www.westminster.gov.uk/future-area-forums>.

Westminster City Council: www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected

Your

Our 14/088184/LIPV

Date: 8th October 2014



To Mr Finetto

**METROPOLITAN POLICE
SERVICE**

Bryan Lewis PC4161CW
Westminster Police Licensing Team

Westminster City Hall

4th Floor
64 Victoria Street
London
SW1E 6QP

Dear Sir

Telephone: 020 7641 3347

mob

Facsimile: 020 7641 2436

Email: blewis1@westminster.gov.uk

Re: Application for a variation of Premises Licence
Caffe Saporito 14 Melcombe Street NW1

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application to a variation of Premises Licence as it is our belief that if granted the application would undermine the Licensing Objectives.

Our objections relate to the following:

New conditions are required to provide reassurance to Police, that should the alcohol ancillary to food requirement be withdrawn, the licensing objective concerning the prevention of crime and disorder, will be maintained.

I will send you my proposed conditions.

Yours sincerely

Bryan Lewis PC4161CW

Westminster Police Licensing Team

Eaton, Sam

From: Lewis, Bryan
Sent: 14 November 2014 13:31
To: maximilian@finetto.com
Cc: Nevitt, Dave; Eaton, Sam; idoxlicensing
Subject: RE: PROPOSED EH AND POLICE CONDITIONS 14 MELCOMBE STREET
14.11.2014.doc

Police objection withdrawn following agreement.

regards

Bryan Lewis PC4161CW

Westminster Police Licensing Team
Westminster City Hall
4th Floor, 64 Victoria Street
London SW1E 6QP
0207 641 3347

From: Nevitt, Dave
Sent: 14 November 2014 12:34
To: maximilian@finetto.com
Cc: Eaton, Sam; Lewis, Bryan
Subject: RE: PROPOSED EH AND POLICE CONDITIONS 14 MELCOMBE STREET 14.11.2014.doc

Noted.

Thanks.

From: maximilian@finetto.com [<mailto:maximilian@finetto.com>]
Sent: 14 November 2014 12:33
To: Nevitt, Dave
Cc: Eaton, Sam; Lewis, Bryan
Subject: Re: PROPOSED EH AND POLICE CONDITIONS 14 MELCOMBE STREET 14.11.2014.doc

Hi David

Thank you for this. Yes I agree to all the conditions.

Thank you very much

Kind regards
Maximilian Finetto

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<http://bit.ly/1slv9lv#>

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How can we make it easier for you to be involved in council decisions? Let us know by completing an online survey
<http://www.surveygizmo.com/s3/1729127/Community-Engagement-Survey> or come along to a drop-in session <https://www.westminster.gov.uk/future-area-forums>.

Westminster City Council: www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected from disclosure.
If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.
You should not disclose the contents to any other person or take copies.

Details of public representations relating to 14/08184/LIPV

Comments received electronically via PublicAccess:

OBJECTIONS:

- **Molly Shields And Charles Wolcott - 104 Clarence Gate Gardens, Glentworth Street, London**

Received: 17 Oct 2014

OBJECTION

I am writing to object to the license variation application for Cafe Saporito, 14 Melcombe St, NW1 6AH. I am a longtime resident of Clarence Gate Gardens. My family and I have suffered through many years of super noisy football fans spilling out of The Globe onto Marylebone Road. We can hear them through all the regular traffic noise and from 2 blocks away for hours, every time there is a game at Wembley. There are extra police officers stationed around the streets to keep the fans semi under control because they run across the road before the light changes, sing loudly, spill out into the road, block the sidewalk, spill beer and break bottles. They come up to Melcombe Street to buy more alcohol from Tesco and sometimes run back and forth between Baker St Station and Marylebone Station making lots of noise and singing. We have two young children and we don't like having to cross through the football fans as a family. Children find drunk adults to be frightening.

Besides football fans, we often hear various loud revellers on their way between Baker Street and Marylebone Station late at night. The sound reverberates all the way up to us when they are calling out to each other and laughing. My young daughter's bedroom is on the corner and she has said she gets spooked at night in bed when hearing people outside acting strangely. If Saporito was allowed to sell alcohol without food and there were more people enjoying alcohol on Melcombe Street late at night, there would invariably be more noise. It could be a real hotspot for commuters who want a drink or two on their way in or out of London and we would have to deal with the extra foot traffic, noise and possible sidewalk blockage. Please do not allow the license variation.

- **Dr Vijay Gadhvi - Flat 2, , 18 Melcombe Street,**

Received: 12 Oct 2014

OBJECTION

I am writing in response to your letter to us with notification of a premises licence variation application for Caffè Saporito, 14 Melcombe St, London NW1 6AH.

I am the owner of Flat 2, 18 Melcombe St, so the café requesting the licence variation is 5-10m to the east of our front door. It therefore has a very material impact on our environment and quality of life.

With regard to the 3 variations proposed:

1. *I have no objection to the café extending its opening hours on Sunday from 10-8 to 9-8*

2. *The proposed variation that concerns us more is the removal of Condition 12, which could be interpreted as enabling customers of the café to consume alcohol while standing around outside the café rather than remaining seated as it is presently. Given the external terrace of the café is extremely small and already has tables and chairs filling it, any patrons drinking outside would block the footpath to pedestrians and create a significant nuisance. In addition, the noise created by standing patrons (similar to a pub environment where alcohol is consumed without food) would impact materially on the quiet enjoyment of our apartment given both our lounge and main bedroom face Melcombe Street. I understand that the intentions of the variation may be to*

allow sale of alcohol to customers who do not also purchase food, but would like it clarified that this expressly forbids customers drinking outside the café unless they are seated at a table on the terrace.

3. Given that there is a wine shop opposite the café and 3 pubs in the vicinity I see no reason why their licence should remove Condition 14 that would allow them to sell alcohol for consumption off premises without purchase of takeaway food. Caffe Saporito are positioning themselves as a quality café so there should be no reason for them to attract customers who simply want to buy a bottle of wine.

Please confirm that our comments have been received and what assurances you can provide as a result.

- **Mr Julian Swallow - 185 Clarence Gate Gardens, Glentworth Street, London**
Received: 7 Oct 2014
OBJECTION

I refer to the above application and wish to object on the basis of Prevention of Public Nuisance.

The likely outcome of this application is that the premises in question will be transformed from a quiet eatery to a bar. The premises are small with an open frontage and drinkers are therefore likely to spill out onto the narrow pavement of Melcombe Street causing obstruction and creating a level of noise that is likely to cause disturbance to the numerous residents living above and immediately adjacent to the site.

The local area is already well served by pubs and bars serving alcoholic beverages and this establishment is not well-positioned for the reasons mentioned above were it to change from a restaurant to a bar.

- **Mr Mark Livingstone - 4/18 Melcombe St, Marylebone, London**
Received: 8 Oct 2014
OBJECTION

I am writing in response to your letter to us with notification of a premises licence variation application for Caffe Saporito, 14 Melcombe St, London NW1 6AH.

My wife and I have our permanent residence at Flat 4, 18 Melcombe St, so the café requesting the licence variation is 5-10m to the east of our front door. It therefore has a very material impact on our environment and quality of life.

With regard to the 3 variations proposed:

1. We have no objection to the café extending its opening hours on Sunday from 10-8 to 9-8
2. The proposed variation that concerns us more is the removal of Condition 12, which could be interpreted as enabling customers of the café to consume alcohol while standing around outside the café rather than remaining seated as it is presently. Given the external terrace of the café is extremely small and already has tables and chairs filling it, any patrons drinking outside would block the footpath to pedestrians and create a significant nuisance. In addition, the noise created by standing patrons (similar to a pub environment where alcohol is consumed without food) would impact materially on the quiet enjoyment of our apartment given both our lounge and main bedroom face Melcombe Street. We understand that the intentions of the variation may be to allow sale of alcohol to customers who do not also purchase food, but would like it clarified that this expressly forbids customers drinking outside the café unless they are seated at a table on the terrace.
3. Given that there is a wine shop opposite the café and 3 pubs in the vicinity we see no reason why their licence should remove Condition 14 that would allow them to sell alcohol for consumption off premises without purchase of takeaway food. Caffe Saporito are positioning

themselves as a quality café so there should be no reason for them to attract customers who simply want to buy a bottle of wine.

- **Chirag Bajaria - 18 Melcombe Street, London, NW1 6AH**

Received: 20 Oct 2014

OBJECTION

I live at 18 Melcombe Street, two doors away from Café Saporito and wish to object to this application to vary the license on the basis of added disturbance and nuisance to us and other nearby residents. I already suffer from noise and vandalism caused as a result of nearby pubs; this will bring more and further bring it to my doorstep.

So far in the 4 years I have lived here my doorway has been vomited in, drunk people have pressed my buzzer in the night and threatened me, my car has had many hundreds of pounds worth of damage and most weekends we have to endure singing, shouting and swearing at all hours of the night.

- **Marlene McGuinness - 93 Clarence Gate Gardens, Glentworth Street, London NW1 6QP**

Received: 11 Oct 2014

OBJECTION

I refer to the above application and wish to object on the basis of Prevention of Public Nuisance.

The likely outcome of this application is that the premises in question will be transformed from a quiet eatery to a bar. The premises are small with an open frontage and drinkers are therefore likely to spill out onto the narrow pavement of Melcombe Street causing obstruction and creating a level of noise that is likely to cause disturbance to the numerous residents living above and immediately adjacent to the site.

The local area is already well served by pubs and bars serving alcoholic beverages and this establishment is not well-positioned for the reasons mentioned above were it to change from a restaurant to a bar.

- **Anonymous**

Received: 14 Oct 2014

OBJECTION

Caffe Saporito - Ref: 14/08184LIPV

I object very strongly to Caffe Saporito's latest alcohol licence application . This is a predominantly residential area and we already have problems with drunken behaviour on Melcombe Street and people urinating in Chagford Street - Caffe Saporito is on the corner of both streets. Chagford Street is a narrow mews type street and due to the proximity of the buildings on both sides, sound tends to bounce along the walls and carries upwards and along. If the stipulation to be seated is removed, drinkers will be able to spread out on to the pavement and also into Chagford Street, which has very little traffic. It is only just over a year since Caffe Saporito was granted the current licence and this appears to be an attempt to overturn the original conditions and turn it into a bar.

I have no objection to Caffe Saporito opening at 9 am on a Sunday, as long as they are quiet.

Please do not copy my contact details to Caffè Saporito as I do not wish them to contact me direct, which is what happened with their previous application.

SUPPORT:

- **Mrs Hannah Haywood - 107 Berkeley Court, Glentworth Street, London**

Received: 7 Oct 2014

SUPPORT

10:17 AM on 07 Oct 2014 There are no wine bars for local residents here. Just chain coffee shops and cafes. There was Cafe Suzie in Glentworth Street which was a very popular wine bar now closed down. The pubs in Baker Street are always full and can never sit down or sports persons being rowdy from matches or park. We are resident and owners of flats in the road.

We fully support.

- **Hiroka Miyama - Dorset House, NW1 5AB ,**

Received: 23 Oct 2014

SUPPORT

I have no concerns with this application. And I feel strongly that it should be granted and will be an excellent addition to the neighbourhood. We are truly missing something like this.

Please grant this application.

- **Patricia Finetto - Montagu Square, W1H 2LH,**

Received: 2 Nov 2014

SUPPORT

This is an email in full support of Caffè Saporito's license application, which I hope will be granted.

I am a local resident and frequently go to this family-run Caffè for its good food, warm, relaxed and welcoming environment, and local clientele.

- **Ms Stephanie Finetto - The Bailey, Dorset House, Gloucester Place**

Received: 23 Oct 2014

SUPPORT

I am writing to you with regards to Caffè Saporito and their recent license application. I am a local resident (Dorset House NW1 5AB), and Saporito is my "neighbourhood bistro".

I would like to say that I fully support their application, without reservation, and I do hope it will be granted.

This is a family run business, it offers local residents the wonderful alternative to the pubs and tourist spots in the area. The clientele are very discreet and respectful, and as a home-owner in the area I do think it raises the profile of the street and the square (and thereby the value of the properties nearby).

- **Alessandro Giannini - 21 Lascelles House, Harewood Avenue , NW1 6NS**
Received: 25 Oct 2014
SUPPORT

*I do not have any objections. It would be incredible if this was approved.
Please grant this application.*

- **Mario Arena - 99 Clarence Gate Gardens, Glentworth St, London**
Received: 29 Oct 2014
SUPPORT

I write with regards to the recent licence application put forward by Caffe Saporito, Melcombe St Marylebone.

I have been a long standing resident of the area, and would like to express my full support for the licence application to be granted to the cafe.

The new proprietors of Saporito are very respectful of the surrounding residents and bring a very unique environment to a high density residential location, offering exceptional food and dining experience.

Saporito is a friendly meeting place for residents, families, workers and visitors to the area.

My Flat is at Clarence Gate Gardens overlooking the cafe, and have to say that since the licence to supply alcohol has been given there is no noise or disruption to the area.

I believe that Saportio have lifted the profile of what was a dowdy street, and to not support the continued growth and improvement of this establishment would be a loss to the area and residents as it brings a much nicer visitor to the area and lifts the profile of Melcombe Street.

Please do not hesitate to contact me to discuss further.

- **Miguel Graca - Montagu Square, W1H 2LH,**
Received: 29 Oct 2014
SUPPORT

To whom it may concern,

I am a local resident of Caffe Saporito and am writing to let you know of our support in their license application and do hope it will be granted to this very nice, family run (not many of these around any more), local cafe which is known for its very local up-standing clientele as well as its quality of service.

- **Boudy Joulian - Glentworth Street, London,**
Received: 24 Oct 2014
SUPPORT

I do not have any objections. It would be incredible if this was approved.

Please grant this application.

- **Mr Jean-Marc Ferret - NW1 6AA, ,**
Received: 25 Oct 2014
SUPPORT

I do not have any objections. It would be incredible if this was approved.

Please grant this application.

Comments received via other means:

- **Mr & Mrs S.M R.M & K.S PATEL - Flat 4, 18 Melcombe Street , NW1 6AH**
Received: 14 Oct 2014 by Members of the Public
OBJECTION
- **Gina Jennings - 86 Clarence Gate Gardens , Glentworth Street,**
Received: 13 Oct 2014 by Members of the Public
OBJECTION
- **Mehran Mehr - 89 Clarence Gate Gardens, Glentworth Street**
Received: 21 Oct 2014 by Members of the Public
OBJECTION
- **Dr Nouri – Flat 3, 18 Melcombe Street NW1 6AH**
Received: 15 Oct 2014 by Members of the Public
OBJECTION
- **Ms Susan Lockley - Not Provided, ,**
Received: 20 Oct 2014
PART SUPPORT

Eaton, Sam

From: maximilian@finetto.com
Sent: 21 October 2014 15:20
To: Agbley, Peter
Cc: Chirag Bajaria
Subject: Re: 14108184/LIPV - Caffè Saporito, 14 Melcombe Street, London, NW1 6AH

Dear Chirag Bajaria

I can appreciate you're worries but I will try and explain why they are not likely to become reality.

Saporito today are allowed to serve max 35 people drinking alcohol and they have to be SEATED. There will therefore not be any people standing around and certainly not standing on the pavement or even the road.

It is strictly regulated from the council what the person who is responsible for premises licence can do and should do.

For example, we cannot serve an already intoxicated person and it's our responsibility to see that under aged customers cannot be served alcohol. These are just some of the rules which we take very seriously as there are severe consequences for us if we don't.

Please read the letter from us to the council which is posted at Saporito and please come in and talk to either Maximilian Finetto or Elisabet Finetto to understand what and why we would like these changes in our licence.

This will not become a bar, we cannot live financially on that. We are developing the food that is being served and we have a lot of regular and happy customers which are increasing every day. It is quite clear that we needed a local place like Saporito in our neighbourhood. We just want to be able to serve a glass of wine or a glass of sherry without a full meal.

Or, if a customer enjoys his or her friends company with a glass of wine while the others eat.

For many of our customers pubs and bars are not an alternative. Young professional women for example feel much safer, sitting down in Saporito, then standing around in a pub where you can be sure there are a lot of drinkers that have had one or two to many. Saporito is a whole different concept which I hope you will come to understand.

If you see things a bit differently after our explanation I would be grateful if you withdrew your representation.

Kind regards

Maximilian Finetto

On October 21, 2014, Agbley, Peter <pagbley@westminster.gov.uk> wrote:

Dear Chirag,

I acknowledge receipt of your representation below to the application for 14/08184/LIPV in respect of the above premises (14/08184/LIPV - Caffè Saporito, 14 Melcombe Street,

London, NW1 6AH. This email and representation has been copied to the applicant for their attention.

You will be contacted by an officer in due course who will notify you of any action that is to be taken in regards to this case.

For general information on what happens next in the application process, please read the DCMS 'Guidance for Interested Parties' document which is attached.

In the meantime, if you have any queries relating to this matter please do not hesitate to contact the Licensing Service on 020 7641 8549.

Kind regards,

Peter Agbley
Licensing Support Officer

Environmental Health Consultation and Licensing
Premises Management Delivery Unit
Westminster City Council
4th Floor South
64 Victoria Street
London SW1E 6QP

Tel: 020 7641 2751
Fax: 020 7641 7815
Team E-mail: premiseslicensing@westminster.gov.uk
Web: www.westminster.gov.uk



Tel: 020 7641 6252
Email: ehtraining@westminster.gov.uk
www.westminster.gov.uk/training-programme

Dear Westminster Council

I am writing in response to your letter to us with notification of a premises licence variation application for Caffe Saporito, 14 Melcombe St, London NW1 6AH.

My wife and I have our permanent residence at Flat 4, 18 Melcombe St, so the café requesting the licence variation is 5-10m to the east of our front door. It therefore has a very material impact on our environment and quality of life.

With regard to the 3 variations proposed:

1. We have no objection to the café extending its opening hours on Sunday from 10-8 to 9-8
2. The proposed variation that concerns us more is the removal of Condition 12, which could be interpreted as enabling customers of the café to consume alcohol while standing around outside the café rather than remaining seated as it is presently. Given the external terrace of the café is extremely small and already has tables and chairs filling it, any patrons drinking outside would block the footpath to pedestrians and create a significant nuisance. In addition, the noise created by standing patrons (similar to a pub environment where alcohol is consumed without food) would impact materially on the quiet enjoyment of our apartment given both our lounge and main bedroom face Melcombe Street. We understand that the intentions of the variation may be to allow sale of alcohol to customers who do not also purchase food, but would like it clarified that this expressly forbids customers drinking outside the café unless they are seated at a table on the terrace.
3. Given that there is a wine shop opposite the café and 3 pubs in the vicinity we see no reason why their licence should remove Condition 14 that would allow them to sell alcohol for consumption off premises without purchase of takeaway food. Caffe Saporito are positioning themselves as a quality café so there should be no reason for them to attract customers who simply want to buy a bottle of wine.

Please confirm that our comments have been received and what assurances you can provide as a result.

Sincerely

Sim. KS - RMP at 2
14 Melcombe St
Marylebone
London NW1 6AH



86 Clarence Gate Gardens,
Glentworth Street,
London NW1 6QP

13 October 2014

Dear Sir,

Reference 14/08184/LIPV

I write to protest in the strongest possible terms to the application to vary a premises licence granted to Caffè Saporito, 14 Melcombe Street, London NW1 6AH.

1. Prevention of Crime and Disorder – On this point, the granting of a licence is likely to increase the number of people spilling onto the pavement from the Cafe. At present, they are limited to tables and are not, generally, rowdy but people not confined to tables can soon form a crowd and as there have been break-ins to premises on either side of the cafe, it will become much easier for burglars to mingle with the crowd and effect break-ins through the doors to the west of the cafe.

Equally, variation to the licence is likely to lead to more public order offences which we see in great numbers at the Globe on the corner of Marylebone Road and Baker Street and at the Volunteer at the north end of Baker Street on where the drinking customers spill right out onto the street making it hard to pass and at the Allsop Arms on Portland Place where there is a similar problem.

2. Prevention of Public Nuisance - The neighbours to the east and the north side of the cafe are all private residents, as are the residents above the shops to the west side and all those to the south. Drinking in the street outside the cafe is likely to cause a considerable public nuisance from noise and other anti-social behaviour. Also, as the buildings all around are high, noise is likely to reverberate in a particularly strong way from anyone standing drinking outside the cafe. Drinkers from the cafe are likely to stand up against the railings outside our flat which will be a considerable public nuisance.

3. Protection of children from harm – as in the above point, almost all the neighbours (well in excess of 90%) are private residents and many children live in the area. I myself have three. They are all likely to have their sleep affected by noise from the cafe if numbers increase and if drinkers are allowed to stand outside on the area in front of it. Also, children are at risk of experiencing the harm of excessive adult drinking if this license is allowed.

We live in the lower ground flat immediately next to the cafe and suffer from litter being thrown into the area outside our flat. This is likely to increase if drinkers stand on the pavement and the number of cigarette ends and even lighted cigarettes is likely to increase dramatically with a consequent risk of smoke and fire, let alone litter. This could be a significant and dangerous risk to children, particularly if discarded cigarettes cause the litter to catch fire.

4. Public safety – For the reasons given above, namely, the risk of increased crime, public open air drinking, litter and the risk of discarded cigarettes as well as the significant risk of broken glass – a

feature of all the pubs mentioned in point 1 above, there is a significant risk to public safety, especially to all those residents nearby whether they have children or not.

In general, Caffè Saporito has been a most successful and thriving cafe which did a roaring trade for all the years that I have been a resident (10 years). The current owners have failed to run it as successfully, trying instead to turn it into a (rather poor) restaurant. All the regulars, such as ourselves, have tried it and fled elsewhere. Now that custom has dried up under their stewardship, they are trying to obtain an extended liquor licence to compensate for their poor management skills but to the great detriment of the local residents.

Please reject this application.

Yours faithfully,

Gina Jennings

Eaton, Sam

From: Gina Jennings [gina@outercircle.eu]
Sent: 24 October 2014 09:01
To: Koka, Nuptia
Subject: Caffè Saporito, 14 Melcombe St, NW1 ^AH Ref: 14/08184/LIPV

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Miss Koka,

Thank you for your letter of 17.10.14 in which you asked me to provide an email address. (I am an objector to the licensing application made by Caffè Saporito for an extension to their license to sell alcohol.)

My email address is gina@outercircle.eu

One point which I did not mention in my letter is that my son's bedroom is less than 20 feet from the applicant's premises and, therefore, noise and alcohol on the street will have a significant impact on his ability to sleep.

Many thanks,

Gina

Gina Jennings
Outer Circle
Tel: 07710 634 540

<http://www.outercircle.eu>

This email and any attachments are confidential and protected by copyright. If you are not the intended recipient you must not take action on, disseminate or copy this email. If you have received this in error please notify the sender by email and delete this email completely from your system. Outer Circle will not accept responsibility or liability for the presence of any virus or disabling code in this email.

Eaton, Sam

From: maximilian@finetto.com
Sent: 29 October 2014 17:44
To: gina@outercircle.eu; mr101mr@yahoo.com
Cc: Agbley, Peter; Koka, Nuptia
Subject: Re: Reference 14/08184/LPV - Caffè Saporito, 14 Melcombe Street, NW1 6AH

Dear Gina Jennings and M Mehr

This email addresses both your representations as it is quite clear that one is the copy of the other, except for a few differences.

I can appreciate your worries, especially living so close to Saporito, but I will try and explain why they are not likely to become reality.

At Saporito we are allowed to serve max 35 people drinking alcohol and they have to be SEATED. This will not be changed. There will therefore not be any people standing around and certainly not standing on the pavement or on the road. Saporito becoming like a pub, people standing around drinking, is therefore something that will not happen.

It is strictly regulated by the council what the person who is responsible for a premises license can do and should do.

For example, we cannot serve an already intoxicated person and it's our responsibility to see that under aged customers cannot be served alcohol. These are just some of the regulations which we take seriously as there are severe consequences for us if we don't.

The mentioning of break-ins to the building through the doors of the cafe is something that I have never heard of and it has certainly not happened during our ownership.

Your mentioning of increasing of public nuisance can, by referring to the above, also be discharged considering that the facts are wrong.

Concerning your reference to harming children by experience of excessive adult drinking I also refer to the above. I think your worries would be far better directed to pubs etc. I do feel confident that it is much better for children to see adults drinking nice, good quality wine, sitting down in an eating place like Saporito and certainly not being served excessive alcohol for the reasons stated above.

Your mention of litter does not come from Saporito. We put our rubbish in plastic bags which are fetched every morning by the council. Again our customers will not "rome around", they will be sitting down.

I'm also confused as it seems as if you both have lower ground apartments immediately next to the cafe and accordingly to your neighbours they've never ever seen any children in these apartments. Are you residents all year round? Are you living in the same apartment?

Your comments about Saporito are very personal and I wouldn't comment your last paragraphs if it didn't show such lack of real knowledge of the state of affairs.

Your mention of a "thriving cafe" was hardly what you could call Saporito before we bought it. We bought a "sinking ship". Maybe it was thriving at one point but, if not earlier, since Costas and other chains appeared nearby the establishment was an economic disaster.

I'm sorry to hear that you don't like what we can offer now but our sales are steadily increasing , we've had several fantastic reviews from food critics and most of all we now serve food from a kitchen that was at one point during previous ownership very close to be shut down by the council due to enormous lack of hygiene. Hygiene is important to us therefor we had to refurbished the whole place with costs that has taking its toll.

Customers were sitting upstairs in air conditioning that hadn't been serviced for years and behind every piece of furniture of the upstairs counter were years of dirt that had never been cleaned.

Taste is personal . Quality of food products and clean premises is what I think you should worry about ,more then all your warnings based on lack of knowledge of facts relevant to this application.

I hope that you could reconsider and withdraw you're representation or at least come in and talk to me or my mother Elisabet.

Kind regards
Maximilian Finetto

On October 16, 2014, Agbley, Peter <pagbley@westminster.gov.uk> wrote:

Dear Gina,

I acknowledge receipt of your representation attached to the application for 14/08184/LIPV in respect of the above premises -14/08184/LIPV - Caffè Saporito, 14 Melcombe Street, London, NW1 6AH. This email and representation has been copied to the applicant for their attention.

You will be contacted by an officer in due course who will notify you of any action that is to be taken in regards to this case.

For general information on what happens next in the application process, please read the DCMS 'Guidance for Interested Parties' document which is attached.

In the meantime, if you have any queries relating to this matter please do not hesitate to contact the Licensing Service on 020 7641 8549.

Kind regards,

89 Clarence Gate Gardens,
Glentworth Street,
London NW1 6QP

20 October 2014

Dear Sir or Madam,

Reference 14/08184/LIPV

I write to strongly protest the application to vary a premises licence granted to Caffè Saporito, 14 Melcombe Street, London NW1 6AH.

1. Prevention of Crime and Disorder – Presently, the Caffè's clients are confined to its tables and generally, not rowdy. The granting of a licence will most likely increase the number of people spilling onto the pavement from the Caffè and make it easier for burglars to mingle with the crowd and effect break-ins through the doors to the west of the cafe. There have already been break-ins to the building through the doors of the Caffè. As an owner of an apartment in the building, I hope that we will not create a situation that will aggravate the problem.

In addition, variation to the licence is likely to lead to more public order offences which have occurred in increasing numbers at the Globe on the corner of Marylebone Road and Baker Street and at the Volunteer at the north end of Baker Street where the drinking customers spill right out onto the street making it hard to pass. There is a similar problem at Allsop Arms on Portland Place.

2. Prevention of Public Nuisance - The neighbours to the east and the north side of the Caffè are all private residents. Similarly the neighbours above the shops to the west side and all those to the south are private residents. Drinking in the street outside the cafe is likely to cause a considerable public nuisance from noise and other anti-social behaviour. As the buildings all around are high, noise is likely to reverberate in a especially strong way from anyone standing drinking outside the cafe. Drinkers from the Cafe are likely to stand up against the railings right outside our flat which will be a considerable public nuisance to us and our neighbours.

3. Protection of children from harm – Almost all the neighbours are private residents. The apartments in the building are large and attract families many of whom have small children. They are all likely to have their sleep affected by noise from the cafe particularly if drinkers are allowed to stand outside on the area in front of it. Also, children are at risk of experiencing the harm of excessive adult drinking if this license is allowed.

As the owner of the lower ground flat immediately next to the Caffè, I do not appreciate the litter being thrown into the area outside our flat. This is likely to increase if drinkers stand on the pavement drinking and smoking. The number of broken glass, cigarette ends and even lighted cigarettes is likely to increase dramatically with a consequent risk of smoke and fire. This could be a significant and dangerous risk to children if discarded cigarettes cause the litter to catch fire.

4. Public safety – As discussed above, in order to prevent the risk of increased crime, public open air drinking, litter (including broken glass and cigarettes), all of which pose a significant risk to public safety to nearby residents we request that this liquor license be denied.

Caffe Saporito was a successful café and a favourite with many residents. The current owners have failed to run it as successfully, have lost their loyal customers and are trying to obtain an extended liquor licence to compensate for their poor management skills.

Please reject this application.

Thank you for your attention to this matter.

Sincerely yours,

M. Mehr

From: "Esmaeal Nouri" <mrenouri@yahoo.com>

Sent: 15/10/2014 13:27:37

To: Premises Licensing

Subject: your ref: 14/08184/LIPV response to licence variation application Caffè Saporito 14 Melcombe St London NW1

Dear Sir/Madam,

Ref no.: 14/08184/LIPV

I write in response to your letter of notification of a premises licence variation application for Caffè Saporito, 14 Melcombe Street, London NW1 6AH.

As the leaseholder of Flat 3, 18 Melcombe Street, London NW1 6AH, the entrance of which is a few metres to the east of my front door, I have serious concerns that the cafe's request for a licence variation will have a significant impact on my property by adversely affecting the environment and quality of life.

I state below my concerns and my response to the variations proposed:

1. I have no objection to the cafe extending its opening hours on Sunday from 10-8 pm to 9-8pm.

2. I have serious and justified concerns that the removal of Condition 12 may be interpreted as allowing the cafe's customers to consume alcohol while standing around the outside of the cafe instead of staying seated as the case currently is. Melcombe Street is already crowded. Despite being in central London, it has a large residential community as reflected by the number of residential blocks on and surrounding the street. The cafe's terrace has tables and chairs on it and the area is very small, therefore people drinking outside would block the pedestrian footpath resulting in a significant nuisance. There would be resulting noise and the creation of a 'pub-like' environment in this area. This would significantly affect the quiet enjoyment of my property. There would also be safety issues since the entrance to my property is next to the cafe and this could make access to the property unnecessarily unsafe and quite uncomfortable for all its residents, especially women and children. Customers drinking outside the cafe (with or without food) should be seated at a table on the terrace to avoid potential problems that are highly likely to arise and which shall cause significant disturbance to us.

3. With regards to removing Condition 14, concerns will obviously arise again. The cafe is an established, reputable, quality cafe and it is inappropriate for it (considering the issues raised above) to be attracting customers who just want to buy say a bottle of wine. There already is a wine shop opposite the cafe and there are pubs nearby. Removal of Condition 14 would allow them to sell alcohol for consumption off the premises without the purchase of a takeaway which naturally would give rise to our concerns.

I would be grateful if you would kindly confirm that you have received this email expressing my objections.

Please send any future correspondence via my email.

Yours faithfully,

Dr. Nouri
Flat 3
18 Melcombe Street
London
NW1 6AH

Eaton, Sam

From: maximilian@finetto.com
Sent: 16 October 2014 16:49
To: Qureshi, Sabihah
Cc: mrenouri@yahoo.com
Subject: Re: FW: your ref: 14/08184/LIPV response to licence variation application Caffè Saporito 14 Melcombe St London NW1

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Dr Nouri

I can appreciate you're worries, specially living so close to Saporito, but I will try and explain why they are not likely to become reality. I also would like to mention i notice you and many other from 18 melcombe street have simply copied the same letter.

At Saporito we are allowed to serve max 35 people drinking alcohol and they have to be SEATED. This will not be changed. There will therefor not be any people standing around and certainly not standing on the pavement or even the road. Saporito becoming like a pub, people standing around drinking, is therefor something that will not happen.

It is strictly regulated by the council what the person who is responsible for a premises licence can do and should do.

For example, we cannot serve an already intoxicated person and it's our responsibility to see that under aged customers cannot be served alcohol. These are just some of the regulations which we take seriously as there are sever consequences for us if we don't.

Please read the letter from us to the council which is posted at Saporito and please come in and talk to either Maximilian Finetto or Elisabet Finetto to discuss why we would like these changes in our licence.

This will not become a bar, we cannot live financially on that. We are developing the food that is being served and we have a lot of regular and happy customers . It is quite clear that we needed a local place like Saporito in our neighbourhood. We just want to be able to serve a glass of wine or a glass of sherry without a full meal.

Or, if a customer enjoys his or hers friends company with a glass of wine while the others eat.

For many of our customers pubs and bars are not an alternative. Young professional women for example feel much safer, sitting down in Saporito, then standing around in a pub where you can be sure there are a lot of drinkers that have had one or two to many. Saporito is a whole different concept which I hope you will come to understand and enjoy.

We need to do everything we can to attract customers to survive financially. High rents and charges make it very difficult. We have to fill Saporito with customers all through the day. We have to be able to satisfy our clients from breakfast, lunch, afternoon tea and dinner. To be able to sell wine, even as take away, can hardly disturb you as they actually walk away with the bottle. People who would abuse this would never come to Saporito for wine. They would buy much cheaper wine for ex at Tesco.

We have customers that are on their way to friends at 8 or 9 pm and they drop by us to try and buy a nice bottle of wine for their friends. The wine shop across the road is by then closed and I don't think we should force people to buy in a certain shop by penalising Saporito in selling wine.

Look at newsagents, butchers etc in Marylebone that can sell wine as take away.

If you see things a bit differently after my explanation I would be grateful if you withdrew your representation.

Kind regards

Maximilian Finetto

On October 16, 2014, Qureshi, Sabihah <squireshi@westminster.gov.uk> wrote:

Dear Dr Nouri,

I acknowledge receipt of your representation below to the application for 14/08184/LIPV in respect of the above premises Caffè Saporito, 14 Melcombe Street, NW1 6AH. This email and representation has been copied to the applicant for their attention.

You will be contacted by an officer in due course who will notify you of any action that is to be taken in regards to this case.

For general information on what happens next in the application process, please read the DCMS 'Guidance for Interested Parties' document which is attached.

In the meantime, if you have any queries relating to this matter please do not hesitate to contact the Licensing Service on 020 7641 8549.

Kind regards,

Miss Sabihah Qureshi
Licensing Support Officer

Eaton, Sam

Subject: FW: 14/08184/LIPV Caffe Saporito, 14 Melcombe Street, London, NW1 6AH
Attachments: DCMS Guidance for Interested Parties.pdf

From: Susan Lockley [<mailto:susan.lockley@thelockleys.net>]

Sent: 19 October 2014 14:43

To: Premises Licensing

Subject: 14/08184/LIPV Caffe Saporito

Dears Sirs,

We have no objection to this licence application and would support the amendments proposed.

/Susan Lockley

Eaton, Sam

From: Susan and/or Norman Lockley [lockleystravelling@gmail.com]
Sent: 17 November 2014 12:54
To: Eaton, Sam
Cc: Susan Lockley
Subject: Re: Notice of Hearing - Caffè Saporito, 14 Melcombe Street, London - 14/08184/LIPV

Dear Miss Eaton,
Thank you for the Notice of Hearing regarding application 14/08184/LIPV.

When writing in response to the initial information about this application, I had not received any comments from neighbours regarding the proposals (and they are usually pretty vociferous!) therefore, I was happy to support the proposals. Subsequently, I have been made aware that some of those residents whose flats are located at the corner of Melcombe Street and Chagford Street as well as some whose windows all face the southern end of Chagford Street at the rear of Clarence Gate Gardens are very alarmed at the prospect of disruption which may well result if the licence amendments are approved.

I am aware that the closing date for comments has now passed, however, I should be grateful if it were possible for you to amend my response in order that I can support some of the concerns which are being expressed.

The opponents are obviously very worried at the prospect of customers from Saporito taking advantage of a bar facility rather than the restaurant and, especially in the warmer months, spilling out into the side and rear of the premises, in Chagford Street, where quiet voices carry clearly with the "canyon" effect of the buildings on either side. Even voices from the restaurant tables immediately in front of the premises can be noticeable after 10 p.m.

If the application is likely to be approved, I would request that a condition were attached to limit service to customers seated at tables only. Customers standing outside the limits of the restaurant premises should not be allowed.

There is no wish to discourage the restaurant business in any way, unless changes to the licence give rise to the risk of noise and nuisance.

I hope it may be possible to add this requests to the file, even at this late stage. I regret I shall not be able to attend the Hearing on this occasion and look forward to receiving notification of a favourable decision in due course.

Yours sincerely,

Susan Lockley.
124 Clarence Gate Gardens

(sent via gmail from susan.lockley@thelockleys.net)



StampThePhoto from An



saporito

30/09/2014 11:31:16



vsmiles



LE BEAUTIQUE SPA
www.lebeautiquespa.com

saporito

30/09/2014

11:30

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/08365/LIPN
Date:	27 November 2014
Classification:	For General Release
Title of Report:	One Housing Sohostel West End House 91-92 Dean Street London, W1D 3SY
Report of:	Operational Director of Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Taruna Adnath, Environmental Health Case Officer (Licensing)
Contact Details:	Telephone: 020 7641 1496 E-mail: tadnath@westminster.gov.uk

APPLICATION DETAILS

Application Type:	A new premises licence application under the Licensing Act 2003.		
Applicant:	One Housing Group	Date Application Received:	01.10.2014
		Date Application validated:	09.10.2014
Premises Name and Address:	One Housing Sohostel West End House 91-92 Dean Street London, W1D 3SY		
Ward Name:	West End	Stress Area:	West End
Description of Premises:	The premises are to operate as a back packers youth hotel and licensable activities will take place on the ground floor.		
Preliminary Note:	The applicant has now amended the application to On Sales only and restricted to residents of the hotel only. See Appendix D Following proposal of conditions from Environmental Health Team, the applicant is still discussing the opening hours for Sunday and applicant have agreed Monday to Saturday to be 10:00 to 01:00. See Appendix E		
<i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i>			
Proposed Licensable Activities, Proposed Hours:			
<u>1.1 Sale of Alcohol: On the premises- residents only</u>			
Monday to Sunday 10:00 to 01:00			
<u>1.2 Opening Hours:</u>			
Monday to Sunday 00:00 to 23:59			
<i>(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still be taken into consideration when assessing the application's effect on the licensing objectives.)</i>			
	Relevant representations and policies applicable:		References / Notes
1A	The Environmental Health Service has made an adverse representation on the grounds of causing an increase in Public		Environmental Health Service

	<p>Nuisance and impact on Public Safety area in the West End Stress Area. Conditions have been proposed and have also requested a reduction in hours for sale of alcohol restricted to the the ground floor canteen between the hours of 10:00 and 01:00 Monday to Saturday and 12:00 and 01:00 Sundays</p>	<p>Representation and conditions</p>
<p>1B</p>	<p>The Metropolitan Police Service originally made an adverse representation to this application stating that the application as presented undermines the Licensing Objectives. The venue is situated in the West End Stress Area, a locality where there is traditionally high crime and disorder and this application will cause further policing problems.</p> <p>Police have proposed conditions and the applicant have agreed same.</p> <p>Police have now withdrawn their representation.</p>	<p>Metropolitan Police Service withdrawal subject to conditions</p>
<p>1C</p>	<p>The Premises Licensing Inspector has submitted a correspondence raising few concerns as follows:</p> <ul style="list-style-type: none"> (a) People taking alcohol out of the premises and smoking outside (b) lack of late night refreshment (c) the cost of bed (allowing anyone to book a room in order to drink all night) (d) Number of SIA 	<p>Licensing Inspector's representation</p>
<p>1D</p>	<p>The Soho Society has made an adverse representation on the grounds of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area. Concerns have been raised as to the hours requested every night without food and smoking outside the premises.</p>	<p>The Soho Society representation</p>
<p>1E</p>	<p>Alice Dugdale has made an adverse representation stating that that the area is already licensed with two pubs and a nightclub already creating nuisance with large crowd hanging outside and blocking the pavements. This application will add to the problem and create more nuisances.</p>	<p>Local resident representation</p>
<p>1F</p>	<p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p> <ul style="list-style-type: none"> Prevention of crime and disorder (CD1) Public Safety (PS1) Prevention of public nuisance (PN1) Protection children from harm (CH1) Stress Area (STR1) Hours (HRS1) Hotels (HOT1) Public Houses and Bars inside the Stress Areas (PB2) <p>Policy STR1 applies: (i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; late night refreshment premises offering hot food and drink to take-away 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 Stress Areas will</p>	<p>Policies applicable</p>

be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.

Policy HRS1 applies: (i) Applications for hours within the core hours set out 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 in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy:

Policy HOT1 applies:

Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:

- (a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.
- (b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,
- (c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.

Policy PB2 applies:

It is the Licensing Authority's policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.

1G

The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

Summary

Current Licensing Position	No licence history
Planning	Use of ground floor as mixed retail and cafe purposes (sui generis use)- permission granted 04/08911/FULL
Residential Density:	34 of the 143 units within a 75m radius of the premises are residential or proposed residential, (24%), refer to Appendix C .
List of Appendices:	<ul style="list-style-type: none"> A – Premises Licence History B - Conditions C – Residential Map and list of premises in the vicinity D- Amendment to application following discussion with Police E- Correspondence between applicant and EHO- Hours

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

- Licensing Act 2003

- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (Oct 2014)
- Application form & amendment
- Plans
- Representations received
- Photos

Licence & Appeal History

There are no previous Licensing Act 2003 applications for these premises.

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 agreed between Police and Applicant:

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 preceding 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. A 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.
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, which 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 or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
13. The use for the premises under this licence shall remain ancillary to the main use of the premises as a hotel.
14. The Sale of Alcohol is restricted to residents and their bona fide guests only. (up to a maximum of four people per room including the residents).
15. There shall be no self-service of Alcohol.
16. 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. Substantial food will be available at all times.
17. Alcohol shall be consumed within the guest bedrooms and the hotel lobby/canteen areas only with the lobby area being available for alcohol consumption until 01:00 only.

Note: See Condition 24 below proposed by EHO restricting the sale of alcohol to the ground floor canteen only.

Also See Appendix D whereby the applicant has submitted that alcohol will be to resident only.

18. Alcohol sold for consumption within guest bedrooms shall be sold in sealed containers.
19. The service of alcohol for consumption within the hotel lobby area will be by waiter/waitress service only. Drinks will be poured by waiter/waitress service so as bottles will not be provided to patrons within the hotel lobby/canteen area.
20. A minimum of 2 SIA registered door staff will be deployed at the Premises between 21:00 and 08:00 the following day to ensure Licensing Objectives are met.
21. Persons wishing to smoke will be allowed egress through the rear entrance at Great Chapel Street. Re-entry will requested via an intercom with camera surveillance. External areas will be monitored at all times.
22. Alcohol will be sold for consumption ON the premises only.

Conditions proposed by EHO:

23. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. The sale of alcohol is restricted to the ground floor canteen and shall only be between the hours of 10:00 and 01:00 Monday to Saturday and 12:00 and 01:00 Sundays
Note: See condition 17 above.
25. 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.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. 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.
28. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
29. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
30. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

31. The canteen area 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.



West End House, 91-92 Dean Street, London, W1D 3SY

City of Westminster



One Housing Sohostel

APPENDIX C

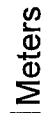
Residential / Proposed Residential	34
Under Construction	0
Other Uses	109
Proportion Residential of all Uses	24%

Data Source: Uniform Database

Date: 11/11/2014

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10



Meters

Premises within 75 metres of: 91-92 Dean Street, West End House, London, W1D 3SY.

p / n	Name of Premises	Premises Address	Opening Hours
28151	Pierre Victoire Restaurant	Ground Floor 5 Dean Street London W1D 3RQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-4992	Soho Business Club	16 Carlisle Street London W1D 3BT	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
-1479	Pizza Pilgrims	11 Dean Street London W1D 3RP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
6213	Pizza Express	Basement And Ground Floor 10 Dean Street London W1D 3RW	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
9829	Nellie Dean Public House	89 Dean Street London W1D 3SU	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
13177	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 03:30
-29002	Rippon Newsagents	Ground Floor 88 Dean Street London W1D 3ST	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-28327	Thai Square	27 - 28 St Anne's Court London W1F 0BN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-3737	Tesco	Ground Floor 2 - 4 Dean Street London W1D 3RG	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-1543	Star Cafe	22 Great Chapel Street London W1F 8FR	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
4659	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Monday to Sunday 00:00 - 00:00
9725	The Toucan	19 Carlisle Street London W1D 3BY	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00

Adnath, Taruna

From: Silver Training [exams@silvertraining.com]
Sent: 07 November 2014 08:37
To: Smith, Stephen
Cc: Adnath, Taruna
Subject: Re: Sohotel, 91-92, Dean Street
Attachments: Cumulative Impact Statement.docx; ATT00001.htm

Good morning Steve,

Further to our conversation yesterday, apologies for the delay in responding.

Since the application was made, we have worked together with Westminster Police to introduce measures to ensure this application does not have a negative cumulative impact on the area, resulting in various amendments to the application. I attach a copy for your information, but would like to highlight the main changes to the application:

- The Retail Sale of Alcohol will be made ONLY to residents of the hotel.
- Bar facilities will not be advertised or promoted to non-residents.
- The Retail Sale of Alcohol will be made only for consumption on the Premises.
- No loitering will be allowed outside of the Premises.

I am currently waiting for details of other additional conditions which will be required by Westminster Police, should the Premises Licence be granted, and I will forward these to you as soon as they have been agreed. In the meantime, I would like to assure you that my client is more than amenable to work with the community and responsible authorities to ensure all four Licensing Objectives are upheld, and would welcome a meeting to discuss the further.

Please do let me know if there is any measures you feel we can take to reassure you that One Housing Group will be a responsible Licensee.

Kind regards,

Julia Edwards
Silver Training
01737 850317
Alcohol Licensing - First Aid - Manual Handling - Fire Safety

Cumulative Impact Statement

One Housing Group Premises Licence Application at Sohostel, 91-92
Dean Street, London, W1D 3SY

The operating schedule to this application contains many measures deemed necessary to ensure the Premises will not have a negative cumulative impact in conjunction with any other Licensed Premises within the West End Stress Area to residents or other users of the area.

The Retail Sale of Alcohol within these Premises will be primarily for guests staying in the hotel, as guests will not be able to bring alcohol into the hotel. These sales will be ancillary to the hotel stay and not the prime reason for visiting the Premises. It was thought to include the Retail Sale of Alcohol for members of the public (i.e. non residents) so as to avoid breaking the law should hotel residents have guests join them for drinks, and to allow for later nights for this on holiday periods. **Bar facilities will not be advertised or promoted for non-residents.**

As stated before, the Retail Sale of Alcohol to non-residents is not fundamental to this application and should it be felt this would create a negative cumulative impact, the applicant would be willing to remove this from the application, so that alcohol will be sold to and consumed by residents only. As the occupancy of the hotel numbers just 165 persons, this will represent a very small number of sales overall.

In addition, if it is felt that allowing consumption **OFF** the Premises will mean the Licensee will be unable to monitor the conduct of clients once sales have been made, the applicant is willing to remove this from the application. External CCTV will allow staff to ensure no alcohol will be allowed to be consumed outside the Premises, and external areas will be constantly monitored to make sure guests do not create a Public Nuisance for persons residing locally by loitering outside.

I trust these additional measures together with those shown on the operating schedule will demonstrate the applicant to be a responsible Licensee with regard to operating a Licensed Premises within the West End Stress Area.

APPENDIX E

From: Silver Training [mailto:exams@silvertraining.com]
Sent: 19 November 2014 12:35
To: Smith, Stephen
Cc: Adnath, Taruna; Stuart Ball; dgleeson@live.co.uk; Janes, Toby
Subject: Re: Sohostel, 91-92 Dean Street

Good afternoon Steve,

Thank you for your email.

This is my mistake, I had not considered that not all the bedrooms were shown on the floor plans.

We would therefore like to therefore reduce the sale of alcohol from 10:00 to 01:00 the following day. As the Police have now withdrawn their representations, given the nature of the premises, together with all of the proposed conditions, would you consider 10:00 all week instead of 12:00 on Sunday?

Also for 6. shown below, could a provisional appointment be set for as soon as reasonably practicable following the hearing, assuming a favourable outcome?

I look forward to hearing from you.

Kind regards,

Julia Edwards
Silver Training
01737 850317
Alcohol Licensing - First Aid - Manual Handling - Fire Safety

On 19 Nov 2014, at 09:30, Smith, Stephen <ssmith@westminster.gov.uk> wrote:

Good morning Julia

Further to our meeting and discussion earlier this week we have now had an opportunity to consider in more detail your proposals. Fundamentally there is a problem in what you are looking for with the license. Your application is for an ON premises license only with plans provided indicating the canteen area for the supply and consumption of alcohol. If the intention is to supply alcohol for consumption in the bedrooms then this will entail an OFF sale as the bedrooms are not included within your application plans for on sales. You will need to provide plans of all of the bedrooms indicating that they are included within the on sales area and unfortunately that has not occurred.

As you are aware the Police have stated that they will accept on sales only, although within their comments have accepted the concept of alcohol consumption within bedrooms albeit limiting numbers of patrons per room. They have also required the limiting of the hours of consumption in the canteen area to 01:00.

If you wish to take forward the concept of alcohol sales and permitted consumption within the bedrooms then you will need to either i) Recommence your application for ON sales providing plans of the building in your ownership and outlining that the bedrooms are formed as part of the alcohol license application for ON sales, ii) Recommence your application to include for ON sales and OFF sales in which the OFF sales are restricted for consumption within the bedrooms. Unfortunately as both of these options are major changes to your application the process would need to be recommenced.

Alternatively the existing application could be scaled back to reduce the sale of alcohol from the 24 hours requested to within the accepted times of 10:00 to 01:00 Monday to Saturday and 12:00 to 01:00 Sunday.

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. The sale of alcohol is restricted to the ground floor canteen and shall only be between the hours of 10:00 and 01:00 Monday to Saturday and 12:00 and 01:00 Sundays
3. 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.

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

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.

6. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
7. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
8. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
9. The canteen area 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.

I should be pleased if you would confirm your intentions in this respect. As there remain residents objections to the application the WCC EH objection will need to remain.

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

Regards

Steve

Stephen Smith
Environmental Health Officer
Environmental Health Consultation Team | **Premises Management**

Tel No: 020 7641 6000

DDI: 020 7641 7242

Email: ssmith@westminster.gov.uk

Westminster City Hall - 4th Floor
64 Victoria Street
London SW1E 6QP

BACKGROUND DOCUMENTS

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Sohostel

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

One Housing Group

* Family name

One Housing Group

* E-mail

sball@onehousinggroup.co.uk

Main telephone number

0300 123 1146

Include country code.

Other telephone number

07976 594087

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House?

- Yes No

* Is the applicant's business registered outside the UK?

- Yes No

* Business name

One Housing Group

If the applicant's business is registered, use its registered name.

* VAT number

GB 523350381

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Legal status
* Applicant's position in the business
Home country

The country where the applicant's headquarters are.

Applicant Business Address

* Building number or name
* Street
District
* City or town
County or administrative area
* Postcode
* Country

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Agent Details

* First name
* Family name
* E-mail
Main telephone number
Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

* Is your business registered in the UK with Companies House? Yes No
* Registration number
* Business name
* VAT number
* Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Section 4 of 19

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Address

Building number or name	100
Street	Chalk Farm Road
District	
City or town	
County or administrative area	LONDON
Postcode	NW1 8EH
Country	United Kingdom

Contact Details

E-mail	sball@onehousinggroup.co.uk
Telephone number	0300 123 1146
Other telephone number	0208821 2000

[Add another applicant](#)

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises have until recently been used as a homeless hostel run by One Housing - a charitable organisation registered under the Co-operative and Community Benefit Societies Act. Unfortunately funding for the project is no longer available, so One Housing are converting the Premises into a back-packers youth hotel, revenue from which will be utilised to help fund other projects throughout the capital. If the licence is granted, all Licensable Activities will take place on the Ground Floor. To clarify, the Retail Sale of Alcohol will take place between 10:00 to 23:00, to Persons other than resident at the hotel. The Premises will be closed to persons other than hotel guests at 23:30. Persons resident in the hotel will be able to purchase alcohol for consumption on the Premises at all times (00:00 - 23:59).

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises

Off the premises

Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Premises will be open at all times for guests resident in the hotel. Members of the public will only be allowed to purchase alcohol until 23:00 Monday to Sunday and Christmas Eve to 01:00, St Patrick's Day to 01:00, New Years Eve from the end of permitted hours to the start of permitted hours the next day.

Persons resident in the hotel will be able to purchase alcohol at all times for consumption on the premises.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Premises will be open at all times for guests resident in the hotel. Members of the public will only be allowed in until 23:30 Monday to Sunday and Christmas Eve to 01:30, St Patrick's Day to 01:30, New Years Eve from the end of permitted hours to the start of permitted hours the next day.

Persons resident in the hotel will be able to purchase alcohol at all times for consumption on the premises.

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The applicant has held a Personal Licence for many years and is aware of the importance in ensuring all of the Licensing Objectives are met. The applicant understands the Premises Licence will be subject to review if it is felt these Objectives are undermined. All staff will be trained in these requirements, records of such training will be made available to responsible authorities on request.

b) The prevention of crime and disorder

Staff will be carefully selected and trained to be 'non-confrontational' when dealing with potentially dangerous situations. A comprehensive CCTV system is installed, operated and maintained to Metropolitan Police standards. Records of data captured will be held for a minimum of 31 days and will be made available for inspection by the Police and authorised officers of the Licensing Authority at all reasonable times. The applicant will be pleased to liaise with local Police to ensure this Licensing Objective is upheld.

c) Public safety

The applicant will ensure current legislation is adhered to in respect of Health and Safety, and will maintain a safe environment for customers and staff alike. The applicant will ensure that escape routes and exits, including external exits, are maintained to ensure they are not obstructed, in good order, with non slippery and even surfaces, free of trip hazards and clearly identified. The applicant will ensure an appropriate number of staff are First Aid trained, with an adequate supply of First Aid equipment and materials available on the Premises. The applicant will ensure a current Fire Risk assessment is in place.

d) The prevention of public nuisance

To prevent Public Nuisance, the applicant will ensure no irresponsible drinks promotions take place on the Premises. All staff will be aware that alcohol is not to be sold to a person who is, or appears to be already drunk. Signage will be on display requesting customers leave the premises in a quiet and orderly manner.

e) The protection of children from harm

Challenge 25 will be in operation at the Premises, to eliminate the possibility of alcohol being sold to a person who is under

Continued from previous page...

18. Signage will be on display and a refusals register will be kept on the Premises for inspection by Responsible Authorities. All staff will be trained in these requirements.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls; parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as..
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/westminster/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

TO Licensing Officer

REFERENCE 14/08365/LIPN

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Stephen Smith (ssmith@westminster.gov.uk)

TELEPHONE 020 7641 7242

DATE 22 October 2014

The Licensing Act 2003

Sohotel, 91 – 92, Dean Street. W1

I refer to the application for a New Premises Licence.

The premises are located within the West End Stress Area as stated in the City of Westminster's Statement of Licensing Policy.

The applicant has submitted a Ground Floor plan reference c:\OHG13AGCS\AllFloors.dwg dated October 2014

This representation is based on the plan and operating schedule submitted.

The applicant is seeking the following

1. To provide a supply of alcohol on the premises Monday to Sunday between 00.00 and 23.59 hours.
2. To provide a supply of alcohol on the premises to members of the public until 23:00 Monday to Sunday and Christmas Eve to 01:00, St Patrick's Day to 01:00, New Years Eve from the end of permitted hours to the start of permitted hours on New Years day.

I wish to make the following representation

1. The provision and hours requested for the supply of alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Stress Area.
2. The provision and hours requested for the supply of alcohol to members of the public will have the likely effect of causing an increase in Public Nuisance within the West End Stress Area.

The applicant has not stated a start time for the supply of alcohol to members of the public

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

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

Stephen Smith
Environmental Health Officer

Adnath, Taruna

From: Smith, Stephen
Sent: 19 November 2014 09:30
To: Silver Training; Janes, Toby
Cc: Stuart Ball; dgleeson@live.co.uk; Adnath, Taruna
Subject: RE: Sohostel, 91-92 Dean Street

Good morning Julia

Further to our meeting and discussion earlier this week we have now had an opportunity to consider in more detail your proposals. Fundamentally there is a problem in what you are looking for with the license. Your application is for an ON premises license only with plans provided indicating the canteen area for the supply and consumption of alcohol. If the intention is to supply alcohol for consumption in the bedrooms then this will entail an OFF sale as the bedrooms are not included within your application plans for on sales. You will need to provide plans of all of the bedrooms indicating that they are included within the on sales area and unfortunately that has not occurred.

As you are aware the Police have stated that they will accept on sales only, although within their comments have accepted the concept of alcohol consumption within bedrooms albeit limiting numbers of patrons per room. They have also required the limiting of the hours of consumption in the canteen area to 01:00.

If you wish to take forward the concept of alcohol sales and permitted consumption within the bedrooms then you will need to either i) Recommence your application for ON sales providing plans of the building in your ownership and outlining that the bedrooms are formed as part of the alcohol license application for ON sales, ii) Recommence your application to include for ON sales and OFF sales in which the OFF sales are restricted for consumption within the bedrooms. Unfortunately as both of these options are major changes to your application the process would need to be recommenced.

Alternatively the existing application could be scaled back to reduce the sale of alcohol from the 24 hours requested to within the accepted times of 10:00 to 01:00 Monday to Saturday and 12:00 to 01:00 Sunday.

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. The sale of alcohol is restricted to the ground floor canteen and shall only be between the hours of 10:00 and 01:00 Monday to Saturday and 12:00 and 01:00 Sundays
3. 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.
4. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
5. 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.
6. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

7. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
8. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
9. The canteen area 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.

I should be pleased if you would confirm your intentions in this respect. As there remain residents objections to the application the WCC EH objection will need to remain.

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

Regards

Steve

Stephen Smith
Environmental Health Officer
Environmental Health Consultation Team | Premises Management

Tel.No: 020 7641 6000
DDI: 020 7641 7242
Email: ssmith@westminster.gov.uk

Westminster City Hall - 4th Floor
64 Victoria Street
London SW1E 6QP

From: Silver Training [mailto:exams@silvertraining.com]

Sent: 12 November 2014 12:04

Adnath, Taruna

From: Janes, Toby
Sent: 06 October 2014 11:59
To: sball@onehousinggroup.co.uk; exans@silvertraining.com
Cc: idoxlicensing; Adnath, Taruna
Subject: Application 14/08365/LIPN - SOHOSTEL, 91-92 DEAN ST, W1

Dear Sir,

Application 14/08365/LIPN – SOHOSTEL, 91-92 DEAN ST, W1

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application as it is our belief that if granted the application would undermine the Licensing Objectives.

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

I 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.

Should you wish to discuss the matter further please contact me on **0207 641 3179** or via email, tjanes@westminster.gov.uk

Unfortunately I am away from the office until 14th October, but will be in contact on my return.

Yours sincerely,

Toby Janes

Westminster Police Licensing Team

PC Toby JANES 1275CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 3179

Adnath, Taruna

From: Janes, Toby
Sent: 13 November 2014 09:39
To: Silver Training
Cc: idoxlicensing; Adnath, Taruna
Subject: Application 14/08365/LIPN - Sohostel, 91-92 Dean Street

Dear Julia

Based on your agreement to police conditions including your amendments as listed by you below, I can confirm police now withdraw our representation.

Thank you and Kind regards.

Toby.

PC Toby JANES 1275CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 3179

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

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. A 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.

4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which 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 or searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

5. The use for the premises under this licence shall remain ancillary to the main use of the premises as a hotel.

6. The Sale of Alcohol is restricted to residents and their bona fide guests only. (up to a maximum of four people per room including the residents).

7. There shall be no self-service of Alcohol.

8. 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. Substantial food will be available at all times.

9. Alcohol shall be consumed within the guest bedrooms and the hotel lobby/canteen areas only with the lobby area being available for alcohol consumption until 01:00 only.

10. Alcohol sold for consumption within guest bedrooms shall be sold in sealed containers.

11. The service of alcohol for consumption within the hotel lobby area will be by waiter/waitress service only. Drinks will be poured by waiter/waitress service so as bottles will not be provided to patrons within the hotel lobby/canteen area.

12. A minimum of 2 SIA registered door staff will be deployed at the Premises between 21:00 and 08:00 the following day to ensure Licensing Objectives are met.

13. Persons wishing to smoke will be allowed egress through the rear entrance at Great Chapel Street. Re-entry will requested via an intercom with camera surveillance. External areas will be monitored at all times.

14. Alcohol will be sold for consumption ON the premises only.

Julia Edwards

Silver Training

01737 850317

Alcohol Licensing - First Aid - Manual Handling - Fire Safety

CITY OF WESTMINSTER
PREMISES LICENSING INSPECTOR

MEMORANDUM

TO Mrs Taruna Adnath

REFERENCE 14/08365/LIPN

FROM Premises Licensing Inspectors, 4th Floor, City Hall, x 3385

REFERENCE 14/043224/LIINSP

BEING DEALT WITH BY

DATE 14 October 2014

ONE HOUSING SOHOSTEL, WEST END HOUSE, 91-92 DEAN STREET, LONDON

Notice Check (Second) carried out at the Proposed venue. Licensing Inspectors have concerns about the following:

- (i) where persons taking alcohol are going to smoke.
 - (ii) Lack of late night refreshment
 - (iii) What is the cost of a bed_ (allowing anyone to book a bed in order to drink all night) Could all the beds be booked in advance by 'Soho regulars' in order to drink through the night_
 - (iv) Number of SIA
 - (v) The practicalities of removing non-guests at closing time (23:00)
- This is not exhaustive.

MM

Adnath, Taruna

From: David Gleeson [dgleeson@live.co.uk]
Sent: 02 November 2014 22:36
To: Premises Licensing
Cc: Gary Hayes; John Raynham; Margaret Bloomer; Marina Tempia; Richard Utting; Richard Brown
Subject: Objection: 14/08365/LIPN - Sohostel, 91-92 Dean Street, Soho, W1

Objections
Westminster Licensing Service
4th Floor (West) City Hall
64 Victoria Street
London SW1E 6QP

02 November 2014

Dear Sir/Madam

Ref: 14/08365/LIPN – One Housing Sohostel, West End House, 91-92 Dean Street, Soho W1

I write to make a relevant representation to the above application on behalf of the Soho Society.

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity society and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the Society supports the City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

The Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.

It appears that the owners wish to convert this building, until recently a homeless hostel, into "a back-packers youth hotel" and the application seeks to sell alcohol 24 hours per day, every day, to hotel customers, and from 10am-11pm to anyone else. Notably, it says nothing about selling food. Whilst the application states that alcohol will only be sold 'for consumption on the premises', hotel customers who wish to smoke will congregate outside the premises, attracting others. If the 'back-packers youth hotel' becomes known as a place to buy alcohol, it will also attract more non-resident customers, who will presumably drink outside. The premises are situated at the crossroads of Carlisle and Dean Streets, which already has a number of busy establishments – the Nellie Dean, Toucan, Vanity and Candy Bar – that have crowds of customers on the pavement at all times of the year, which causes nuisance to the nearby residents when operating. If this application is successful, it will directly contravene the Council's Stress Area policy by allowing the premises to sell alcohol all day and all night.

This area has been identified by the City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the Stress Areas are directed at the global and cumulative effects of licences on

the area as a whole (2.4.5 of the Policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the Policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Sub-Committee to reject this application.

Yours faithfully,

David Gleeson
Licensing Chair, The Soho Society
55 Dean Street
Soho
London W1D 6AF

19/11/2014 12:44:44

From: Qureshi, Sabihah
Sent: 30/10/2014 16:17:45
To: 'dgleeson@live.co.uk'; 'exams@silvertraining.com'
Subject: FW: Objection: 14/08365/LIPN One Housing Sohostel

Dear Mr Gleeson,

Thank you for your email.

Please ensure any further comments are received before the consultation end date 05.11.2014.

Many thanks

Miss Sabihah Qureshi
Licensing Support Officer

Environmental Health Consultation and Licensing
Premises Management Delivery Unit
Westminster City Council
4th Floor South
64 Victoria Street
London SW1E 6QP

Tel: 020 7641 8549
Team E-mail: premiseslicensing@westminster.gov.uk
<<mailto:generallicensing@westminster.gov.uk>>
Web: www.westminster.gov.uk <<http://www.westminster.gov.uk>>

http://partnerweb/builenvironment/communityprotection/premises/Shared%20Documents/Premises%20Management/External%20Training%20Programme/Working%20Group/WCC1243_PremisesMagagementEmailSignOff.jpg
<<http://www.westminster.gov.uk/training-programme>>
cid:image002.jpg@01CEC810.B227D570
<<http://idoxpa.westminster.gov.uk/online-applications/search.do?action=implesearchType=LicencingApplication>>
cid:image009.jpg@01CF8BBD.665C7990
<<http://www.westminster.gov.uk/services/environment/environmentalhealth/environmental-health-training/>>

You can now apply online for the majority of licensing regimes that the authority is responsible for. Please visit www.westminster.gov.uk/licensing <<http://www.westminster.gov.uk/licensing>> and following the relevant links to apply.

P please don't print this e-mail unless you really need to

From: David Gleeson [<mailto:dgleeson@live.co.uk>]
Sent: 30 October 2014 12:17
To: Premises Licensing
Subject: Objection: 14/08365/LIPN One Housing Sohostel

Dear Licensing Committee,

This is to register a formal objection to the One Housing Sohostel application before the deadline closes.

A more detailed objection will follow shortly.

Best wishes,

Details of public representations relating to 14/08365/LIPN

Comments received electronically via PublicAccess:

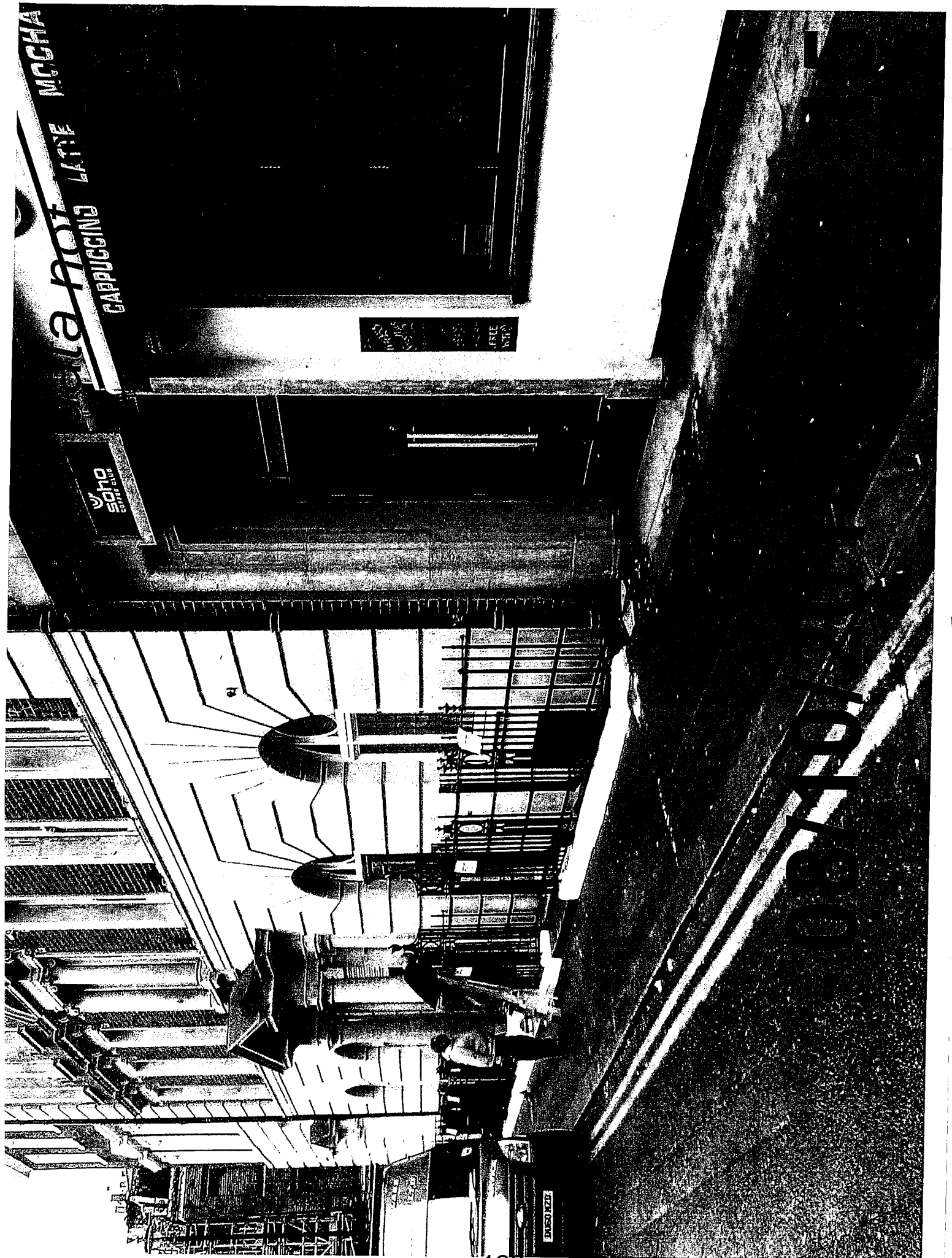
- **Ms Alice Dugdale - 4 Carlisle Street, London, W1D 3BJ**
Received: 30 Oct 2014
OBJECTION

I live at 4 Carlisle Street just around the corner from the hostel. Within about 10 yards there are already two pubs, the Nelly Dean and the Toucan and a nightclub. The top end of Dean Street and Carlisle Street is a relatively quiet area of Soho, particularly after the pubs close, with a number of flats and houses close by.

During opening hours both the pubs and Vanity/Candy Bar tend to have huge crowds of people hanging around outside drinking. People from the Nelly Dean spread down and across Carlisle Street and up Dean Street towards the hostel, so if there are people drinking outside the hostel they will just amalgamate into one large crowd causing Public Nuisance. More often than not when walking past the Nelly Dean and the Toucan, you have to walk on the street as the pavements are claimed by the drinkers, which may well happen at the hostel, which again is a public nuisance and an issue of public safety. The number of people standing outside pubs and bars has been aggravated by the smoking legislation so that all the smokers and their friends tend to congregate outside; even in winter there are often a substantial number of people outside late at night. The hostel has proposed that there will be signage requesting patrons to leave in a quiet and orderly fashion. This just never happens, people are having a good time and the last thing on their mind is that there might be people living in the area and who might be trying to sleep or just have a quiet evening at home. It makes no mention of having any door staff to help control people. I note that the hostel have said that only people staying in the hostel will be served drinks after 11.30pm but that will not stop hostel residents standing outside with their cigarettes and drinks. From experience with the Candy Bar, when there is late night drinking it tends to attract other people, for example some homeless people used to gather outside the Candy Bar joining in the banter and cadging cigarettes etc.

Cond..

Comments received via other means:





City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>27 November 2014</i>
Classification:	<i>General Release</i>
Premises:	<i>Harmony, 103A Oxford Street, London, W1D 2HG</i>
Wards Affected:	<i>West End</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Premises Management</i>

1. Executive Summary

- 1.1 The council has received an application to renew a sex establishment licence from Harmony Limited for the sex shop at Harmony, 103A Oxford Street, London, W1D 2HG. This report sets out the application details, objections, policy and legal context along with other considerations that the Committee requires to determine this application.
- 1.2 This application was made on 17 January 2014 and received three objections within the 28 day consultation period. Due to officer error, the objected status of the case was not identified until much later. As soon as the error was identified, the applicant and objectors were contacted and the case was brought before the Licensing Sub-Committee.

2. Options

- 2.1 Following consideration of the information given orally at the hearing and in writing by the applicants and objectors, Members may:
 - 2.1.1 Grant the renewal application in full
 - 2.1.2 Grant the renewal application subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions proposed by a party to the hearing, or
 - 2.1.3 Refuse the application

3. Application

- 3.1 On 17 January 2014, the licence holder, Harmony Ltd, applied to renew their Sex Shop licence for the premises at 103A Oxford Street, London, W1D 2HG (see Appendix A2):
- 3.2 The current licence for the premises is attached at Appendix A1. This licence expired on 31 January 2014. Under Paragraph 11 (1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as a renewal application was made prior to its expiry, this licence remains in force until the withdrawal of the application or its determination by the Council.
- 3.3 The premises has held a Sex Establishment licence to operate as a Sex Shop since 9 March 2004 (see licence history at Appendix D). Minutes of the original Licensing Sub-Committee which determined the new application are attached at Appendix A3. The original application was unopposed and the subsequent renewal applications have not attracted any objections until this most recent application.
- 3.4 The licence is subject to the Standard Conditions for Sex Establishments, attached at Appendix C. In addition, the licence is subject to nine special conditions on the licence (see Appendix A1 & C). Further information on conditions is provided in section 6 of this report.

4. Objections

- 4.1 The application received three (3) objections, attached as Appendices B1 to B3. The objections are from local residents. As permitted by paragraph 10(17) of Schedule 3 to the Act, all of these objections are anonymous.
- 4.5 Objection 1, received on 11 February 2014, is from a local resident (see Appendix B1). It states that the location is inappropriate for a sex shop given the mission of the New West End Company which aims to create a world class shopping area in the West End. The branding and message visible to members of the public, including children, from the exterior of the premises is inappropriate for the family-oriented retail area.

It continues that the regeneration plans for the area have increased the residential population in the vicinity of the premises, including private residences at Paramount House, The Quadrangle, The Hat Factory, the Beaver Building and Ampersand. In addition, the hoarding around Great Chapel Street, caused by the Crossrail project, has created a narrow passageway along the side of the premises which is intimidating to pedestrians, particularly young women.

Crossrail will increase the numbers of visitors to the Oxford Street area for high-end shopping and restaurants. A prominent sex shop is inappropriate in this area.

- 4.6 Objection 2, received on 11 February 2014, is from a local resident and mirrors the concerns of Objection 1 (see Appendix B2).
- 4.7 Objection 3, received on 12 February 2014, is from a local resident which states that the premises is inappropriate for the area given Oxford Street's movement towards retail establishments that enhance its reputation for both residents and tourists (see Appendix B3).

5. Policy Considerations

- 5.1 On 15 June 1999 the Planning and Transportation Committee decided that, for the purposes of licensing sex establishments (excluding Sexual Entertainment Venues) under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, one of the relevant locations should be Soho and that the appropriate maximum number of sex establishments within that locality should be 16.
- 5.2 Within the Soho locality, as defined, there are currently 12 licensed sex establishments. These are:

Licence Holder:	Premises Name:	Address:
Heart of Soho Ltd	Prowler Soho	5 – 7 Brewer Street
Mr James Poulton	Soho Original Bookshop	12 Brewer Street
Mr Timothy Hemming	Simply Pleasure.Com	31 Brewer Street
Swish Publications Ltd	Super Mags	33 Brewer Street
Harmony Limited	Harmony	99A Charing Cross Road
Simply Pleasure Ltd	Fifty & Dean	50 Old Compton Street
Mr James Poulton	Soho Original Bookshop	121-125 Charing Cross Road
Harmony Limited	Harmony Adult Centre	4-4A Walker's Court
Mr David Edwards	Clone Zone	64 Old Compton Street
Harmony Limited	Harmony Adult Centre	103A Oxford Street
Mr Nigel Moon	British Sex Shop	8 Green's Court
Mr Stephen Squire	Adult World	5 Walker's Court

6. Conditions

- 6.1 The licence is subject to nine special conditions attached to the licence (see Appendix A1 & C). These include conditions designed to limit the impact the advertising and presence the premises has on the high street.

Special condition 2 states:

“There shall be no pictorial or diagrammatical representations of full or implied nudity to advertise what is going on inside the premises.”

Special condition 4 states:

“All windows shall remain obscured and if displayed any signs must be discreet and fixed no lower than five feet above the ground.”

- 6.2 The licence is also subject to Westminster’s Standard Conditions for Sex Establishments (see Appendix C) which include conditions restricting the visibility into the premises.

Standard condition 8 (a) states:

“The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.”

Standard condition 8 (b) states:

“Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.”

7. Legal Implications

- 7.1 The Licensing Sub-Committee may determine to:
- (a) Grant the renewal application in full
 - (b) Grant the renewal with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - (c) Refuse the application.
- 7.2 Before refusing to renew a licence to the applicant, the Licensing Authority shall give the applicant an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).

- 7.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).
- 7.4 The Licensing Sub-Committee may refuse to renew a licence for the following reasons:
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - (c) that the number of sex establishments in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 7.5 If the Licensing Sub-Committee determine to renew the Sex Establishment licence, the licence will be subject to the Standard Conditions for Sex Establishment licences, unless the Sub-Committee determines that certain Standard Conditions should be expressly excluded or varied (Para 13(4) Schedule 3 LG(MP)A1982).
- 7.6 Should the Licensing Sub-Committee determine to refuse the application to renew a licence under paragraph 7.4 (a) or (b) above, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (Para 27(1) Schedule 3 LG(MP)A1982).

8. Human Rights Act and Equalities Act

- 8.1 In making a decision consideration will need to be given to the applicants rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. The Home Office Guidance suggests that "local authorities would be well advised to consider whether any interference with the applicants rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of

the rights and freedoms of other, or in the case of Article 1, Protocol 1, can be justified in the general interest”.

Appendices

- A1 – Current Sex Establishment Licence
- A2 – Renewal application form
- A3 – Licensing Sub-Committee minutes dated 09.03.2004
- B1 – Objection 1
- B2 – Objection 2
- B3 – Objection 3
- C – Schedule of Conditions
- D – Licensing history of the premises
- E1 – Map of the locality
- E2 – Residential Map of the locality
- F – Photographs of the premises

If you have any queries about this report or wish to inspect any of the background papers please contact: Nick Nelson on 020 7641 3431 or at nnelson@westminster.gov.uk

BACKGROUND PAPERS

- Local Government (Miscellaneous Provisions) Act 1982
- Report to Planning and Transportation Committee of 15 June 1999
- Rules of Procedure governing Sex Establishment Licensing
- Standard conditions for Sex Establishment Premises



City of Westminster

WARD : West End

UPRN: 010033569778

SEX ESTABLISHMENT LICENCE

The CITY OF WESTMINSTER under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986

hereby licences HARMONY LIMITED
to use the premises Harmony Adult Centre
103A Oxford Street
London
W1D 2HG

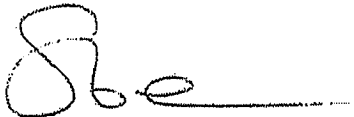
as a Sex Shop establishment.

This licence is in force up to 31 JANUARY 2014

and is granted subject to the Standard Conditions of the Council annexed hereto, to the following additional special conditions (if any) :

1. Notwithstanding Standard Condition no. 4, the premises may be kept open for the purpose of this licence from 23:00 on each of the days Monday to Saturday to 01:00 on the day following, and from 23:00 to 00:00 on Sundays.
2. There shall be no pictorial or diagrammatical representations of full or implied nudity to advertise what is going on inside the premises.
3. No music or other sounds shall be audible outside the premises.
4. All windows shall remain obscured and if displayed any signs must be discreet and fixed no lower than five feet above the ground.
5. Steps shall be taken to ensure the quiet and orderly entry and exiting of the premises by staff and patrons.
6. The Council shall be advised of managers, proposed managers and changes of managers.
7. The licensee shall ensure that the highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.

8. No illegal unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
9. All waste is properly presented and placed out for collection no earlier than 30 minutes before the stated collection times.

DATE: 23 JULY 2013	 SIGNED: pp Operational Director - Premises Management
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**CITY OF WESTMINSTER, Licensing Service, Westminster City Hall, 64 Victoria Street, London SW1E 6QP
Telephone : 020 7641 8549 Facsimile : 020 7641 7815**



City of Westminster

PREMISES MANAGEMENT
LICENSING SERVICE

17 JAN 2014

CITY OF WESTMINSTER

APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE

This form should be completed and forward to the Licensing Service, City of Westminster, 4th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP (Telephone: 020 7641 8549) with a cheque or postal order for the appropriate fee made payable to the City of Westminster and crossed.

CASH SHOULD NOT BE SUBMITTED.**I/We apply for renewal of a licence for the premises in item 2.**

1.	(a) Full name and address of applicant(s). (Use separate sheet if applicable)	Name:- HARMONY LIMITED Address:- 222 - 228 MAYBANK ROAD, LONDON, E18 1ET
	(b) Tel No: (during normal office hours)	0208.505.0946
2.	If the applicant is an individual the following information is to be supplied:-	
	(a) Date of Birth	N/A
	(b) Place of Birth	N/A
3.	(a) Name and address of premises.	Name:- HARMONY Address:- 103. OXFORD STREET, LONDON, W1D 2HF
	(b) Tel No:	0207.734.5969
4.	Give details of the total turnover of the business during the 12 months immediately prior to this application.	£1,895,885 68
5.	Give details of the anticipated turnover of the premises for the next 12 months.	£1,828,000.00
6.	Give details of the articles which are to be offered for sale at the premises.	R18 DVDS MAGAZINES / BOOKS MARITAL AIDS LINGERIE CLOTHING

IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

7.	Has the management of the premises in the absence of the licence holder changed?	Yes <input checked="" type="radio"/> No <input type="radio"/> (If yes, the following details need to be supplied on a separate sheet). (a) Full Name (b) Private Address (c) Date of Birth (d) Place of Birth (e) Four photos of them
8.	(a) Name of newspaper in which application was advertised.	WESTEND EXTRA
	(b) Date of newspaper: (See Note B)	17/01/2014
9.	Date poster exhibited at the premises: (See Note C)	17/01/2014
10.	Have you sent a copy of the application to the Metropolitan Police Service as required by the Act. (See Note D)	Yes <input checked="" type="radio"/> No <input type="radio"/> 17/01/2014
11.	Address to which licence and correspondence should be sent.	MISS LOUISE SALIBA HARMONY LIMITED 222-228 MAYBANK ROAD, LONDON, E18 1ET

WARNING

ANY PERSON WHO, IN CONNECTION WITH THIS APPLICATION, MAKES A FALSE STATEMENT WHICH THEY KNOW TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS, GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING £20,000.

I/We (please print full name) MR. STEVEN THOMAS ELYNS declare that the information given above is true and complete in every respect.

Signature.....

Date.....17/01/2014.....

Data Protection Act 1998: This information will only be used for the purposes stated above. Please address any data protection enquiries to the Data Protection Officer, Information Services, 16th Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.



CITY OF WESTMINSTER
LICENSING SUB-COMMITTEE NO. 1

9 MARCH 2004

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee No. 1 held at 6.00pm on Tuesday 9 March 2004 in the Council Chamber, Council House, Marylebone Road, NW1.

Present: Councillors Audrey Lewis (Chairman)
Sarah Richardson
Guthrie McKie

1 MEMBERSHIP

- 1.1 The Director of Legal and Administrative Service's representative reported that there were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Lewis declared that she knew Sally Humphreys, Oxford Street Director of the New West End Company, with whom the Councillor had not discussed the application.

3 MINUTES

- 3.1 The Chairman signed the minutes of the meeting held on 18 December 2003 as an accurate record of proceedings.

4 HARMONY, 103-103A OXFORD STREET, W1

The Introduction

- 4.1 Ms Bamborough, Licensing Manager, introduced the application for a new sex establishment licence. She advised that the application was unopposed. The applicant had indicated prior to the hearing that were the Sub-Committee to grant the application, he, Mr Elvins, would surrender an existing licence at 11 Old Compton Street, W1. Concluding, Ms Bamborough explained that the District Surveyor's Service requested that

works be undertaken at the premises before any licence granted took effect.

The Application

- 4.2 Councillor Lewis confirmed to Mr Gouriet, Counsel for the applicants, that all Members had received and considered the officer's report and applicant's submissions.
- 4.3 Summarising the application, Mr Gouriet noted that it fell in line with the City Council's policy in locational terms. He suggested that the presumption was in favour of the application. Referring to the relevant policy considerations at paragraph 4.6 of the report, Mr Gouriet noted that the concerns expressed within – that an even distribution of sex establishment licences would have a greater impact than the current concentration – would not apply in this case. The applicant had retained the services of Mr Thackeray, a Town Planning expert, who's report, circulated to the Sub-Committee Members previously, provided pertinent details of the area and, in Mr Gouriet's submissions, provided commentary which suggested that the application was entirely in line with the character of the area surrounding the Tottenham Court Road.
- 4.4 Mr Gouriet noted that Mr Elvin's other premises were all situated on the ground floor and that they were all licensed by and within the City Council's control. The application related to the basement area only at 103/103A Oxford Street. He submitted that the application would not have a detrimental effect on the local area.
- 4.5 The Director of Legal and Administrative Services' representative asked with reference to relevant case law what was Mr Gouriet's interpretation of the term "relevant locality". Mr Gouriet preferred a common sense approach and used the term to mean Soho.
- 4.6 Mr Thackeray, Chartered Town Planner, was introduced to the Sub-Committee and confirmed that he had nothing further to add to the report circulated to Members prior to the hearing. Mr Thackeray agreed that the locality of the premises was Soho and he submitted that he took that approach mainly because that was how the Council had sought to define it. Mr Gouriet suggested that there was a concentration of sex establishments in the Soho area and he asked Mr Thackeray whether it was appropriate to continue that practice. For Mr Thackeray, the situation that had arisen was a historic one and he thought the character of the area had been affected by it. He did not think that the areas currently concentrated were the only ones suitable.

- 4.7 Mr Thackeray did not think that the application would adversely affect the local area if granted. He considered that, by its very nature, Oxford Street was a retail area spanning two kilometres with a variety of shops and he noted that the application was for a new retail shop first and foremost. Mr Thackeray preferred the proposed shop frontage generated by computer and depicted at page 12 of the applicant's submissions to the appearance of the existing premises. He regarded the end of Oxford Street closest to Tottenham Court Road as the shabbiest and he suggested that in his opinion the application would enhance the appearance of the premises. Mr Thackeray explained that the application related to a site in a conservation area and noted that planning legislation required that changes made to the site would need to enhance its appearance.
- 4.8 Responding to questions from the Sub-Committee, Mr Thackeray agreed with Councillor Mckie that in some instances it was preferable to concentrate certain types of premises. Mr Thackeray suggested that the principle could be said to apply to drinking establishments, in that clients and the police generally preferred venues to be in the same area. Many local authorities had policies to disperse the saturation of estate agents, the fronts of which were regarded as bare. In general terms, Mr Thackeray thought a dispersal of similar properties was favourable. Councillor McKie sought to differentiate and Mr Thackeray agreed that in this case it was not necessary to consider the effects of several people dispersing into an area at 1am.
- 4.9 Councillor Lewis referred to paragraph 5.10 of the report and asked Mr Thackeray to comment on the number of children he would expect to see outside the current premises in Old Compton Street. He agreed that he would expect it to be less than on Oxford Street but he did not agree that the numbers of children would vary considerably at different points in the year.
- 4.10 Mr Gouriet contended that sex establishments in Soho would continue to be concentrated even if the application were refused. Mr Thackeray thought that the impact of sex establishments was minimal and he submitted that the impact must be reduced where the premises are located in a basement area. The image and type of clientele attracted to sex establishments was poor but Mr Gouriet and Mr Thackeray agreed that the concept here was a new, up-market one, in no way directed toward the "dirty mack brigade". Mr Gouriet suggested to Mr Thackeray that a change to general misconceptions could only be furthered were premises such as this re-located out of Soho.
- 4.11 The Director of Legal and Administrative Services' representative asked Mr Thackeray if he knew the reasons for the Council's policy boundary. Mr Thackeray did not feel able to comment since he was not involved, but

he did suggest that there were 16 similar premises in the area when the policy was implemented. It might be advisable not to dissect streets at future policy reviews. Mr Gouriet noted that the applicant's premises were located on the very edge of Soho.

- 4.12 Mr Steven Elvins, Company Director, 50% shareholder and applicant, advised that a great deal of money had been spent on modern design concepts at the premises. Mr Elvins planned to create a different image to that presented in Soho at his store on Oxford Street if the licence were granted. He explained that his other premises had provided the financial means by which he was able to invest substantially in the applicant premises. Mr Elvins sought to establish a store that customers felt able to walk into and enjoy. He did not believe that such a premises existed in the local area. Mr Elvins had commissioned full and proper plans before finalising the plans before the Sub-Committee and confirmed that his landlords were aware of and content with his plans. Were the licence granted, Mr Elvins would be looking to work closely and compliantly with the City Council.
- 4.13 Councillor Richardson asked whether Mr Elvins would be agreeable to a reduced terminal hour. The current premises traded until 10pm and Mr Elvin would concede a revised terminal hour of 10 or 11pm. Mr Elvins explained that security staff would be posted at the only entrance to the premises and that clients would need to pass counter staff as they entered the store. Additional staff were posted downstairs. The ground floor was exclusively stocked with inoffensive material. Identification was sought from anyone whose age was uncertain. The total square area of the premises was 4500 square feet, divided between the two floors.
- 4.14 Councillor Richardson noted that the new premises would be significantly larger than Mr Elvin's current premises in Soho. She suggested surrendering two licences rather than the one Mr Elvin had undertaken to release if the application was granted. Mr Barca explained that the application only related to the basement area of the premises and that under normal circumstances it would not be possible for the City Council to moderate the shop front. That had been offered by way of a concession. The Director of Legal and Administrative Services' representative advised that such a concession would need to be recorded as an undertaking since a condition to that effect would be unenforceable. Councillor Lewis confirmed that the suggested conditions detailed in the report at Annex D were agreeable.
- 4.15 Councillor McKie considered that the applicants had used crass stereotyping in their marketing material, included with the report by way of submissions. He sought to confirm that the amenity of the locality would be enhanced were the application granted, which the applicant assured

him it would. The character of Mr Elvins' other premises, including the terminal hour, had been affected by the locality. Mr Elvins confirmed his intention to work harmoniously with Council officers and he noted that he was familiar and worked closely with other relevant statutory authorities. He had never had any problems.

- 4.16 Councillor Lewis asked for details of the history of Mr Elvin's other premises. He had been trading on Charing Cross Road since 1996/1997 and from Newport Street and Walkers Court for 4 years. Mr Elvins had operated the premises at Old Compton Street for 6 months. Council officers had indicated they would prefer to see that premises relocated to Oxford Street. Prior to Mr Elvin's involvement, the premises had been unlicensed sex shops, cafés or coffee bars. Mr Elvins would aim to run his premises in line with the character of the proposed store on Oxford Street. Mr Barca was not aware of any real plans to redevelop the current premises on Old Compton Street. Mr Elvins had leases of between 5 and 20 years and owned the freehold on one property.
- 4.17 Mr Elvins planned to dedicate approximately 80% of the ground floor area to clothing and 40% of the basement area would be directed to fetish ware. Window displays were not replaced regularly at Mr Elvin's other stores, but his intention for Oxford Street was for it to be seasonal in style. Councillor Lewis confirmed that Mr Elvins would consult the City Council at the planning stage before implementing any changes.
- 4.18 Mr Gouriet confirmed with Mr McVitie, Licensing Inspector, that Mr Elvin's assertion that he had co-operated thoroughly with Council officers was borne out by his experience, which it was. Councillor Lewis asked Mr McVitie to comment on the application. He had not experienced any problems with licensed sex shops and nor had the police. He explained inspection arrangements, undertaken in consultation with the police. Window displays controlled by the applicants gave no cause for concern. The enhanced size of the Oxford Street premises did not pose problems for the Licensing Inspectorate. Councillor Lewis heard that the size of the application premises would be about three times larger than that held currently. Councillor Lewis explained her concern to ensure that the application was truly like-for-like, taking into account all the circumstances, including the size of the premises.
- 4.19 Councillor Richardson confirmed that the current applicant's premises was within Westminster and not Camden, which Mr McVitie duly did. Councillor Lewis confirmed with Ms Bamborough, Licensing Manager, that the photographs circulated to the Sub-Committee had been taken recently.
- 4.20 Mr Gouriet identified several problems with Soho and submitted that viewed fairly, bearing in mind the sizeable investment proposed by the

applicant, much could be done by pursuing the application to improve the locality. The sex shop industry had entered a downward spiral which Mr Elvin's concept attempted to buck, he submitted. The intention was to attract decent people with natural needs to the premises, contributing to a transformation of the sex industry in London. Mr Gouriet referred specifically to the last page of the applicant's submissions, identifying the types of people Mr Elvin's sought to attract. The application was a breath of fresh air desperately needed by the sex industry, he claimed. In a true sense, there would be no detrimental impact on the surrounding area were the licence granted. Mr Gouriet explained that because the application would improve the area there was no need to surrender two licences in this instance. The Director of Legal and Administrative Services' representative confirmed the nature and number of conditions agreed by the applicants.

The Decision

This is an application by Harmony Limited for a new sex establishment licence for a sex shop with an extension of hours from 11 pm on each of the days Monday to Saturday to 1 am on the day following and from 11 pm to midnight on Sunday. The application is in respect of basement premises situated at 103 - 103A Oxford Street, London W1.

The shop premises under consideration occupy part of the ground floor and basement of an end of terrace building on the corner of Oxford Street and Great Chapel Street. The application is only in respect of the basement of the premises which is accessed from a staircase in the centre of the ground floor. The proposal involves the operation of an unlicensed shop on the ground floor, selling inoffensive items that do not typically require a sex shop licence, such as books, clothing, games and toys. Stronger material, such as restricted DVDs and videos, fetish wear and more explicit magazines etc will be sold in the basement. The entrance to the basement will be carefully monitored by security staff so as not to allow access to any minors.

On 15 June 1999 the Planning and Transportation Committee decided that, for the purposes of licensing sex establishments under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, one of the relevant locations should be Soho and that the appropriate maximum number of sex establishments within that locality should be 16. There are currently 16 licensed sex establishments within this locality. This application will not result in an increase in the number of licensed premises because, if granted, the applicant has undertaken to surrender its existing licence held in respect of premises in Old Compton Street.

This application effectively amounts to an application to transfer a sex shop licence from one set of premises to another within the general locality known as Soho. This is an area south of Oxford Street, east of Regent Street, north of Coventry Street and west of Charing Cross Road. Most of the licensed sex uses within the area are concentrated in a small area around Brewer Street, Walkers Court, Rupert Street, Old Compton Street, Wardour Street and Great Windmill Street.

The report to the Planning and Transportation Committee dated 15 June 1999 sets out the advantages and disadvantages of sex related uses being concentrated in a small area of Soho. It states that the disadvantage of this is that the impact of these uses is greater than if the premises concerned were dispersed throughout Soho, or indeed, the Central Activities Zone. It then explains that the advantage of this is that the other areas of Soho are comparatively free of sex establishments. The report points out that if sex establishment premises were dispersed throughout Soho the overall environmental impact would be greater than under the current arrangements.

The first thing that has to be established is the "relevant locality" for the purposes of this application. The applicants say that it is the entire area known as Soho identified in the report dated 15 June 1999. The Sub-Committee does not agree. When a relevant locality is determined for the purposes of paragraph 12(3)(c) of the Local Government (Miscellaneous Provisions) Act 1982, the purpose is to establish the maximum number of sex establishments that can be allowed in that locality. It does not mean that any application for a sex shop must be granted in that locality simply because the number has not been exceeded. There may still be grounds of refusal, including those set out in paragraph 12(3)(d). That paragraph recognises that the character of the relevant locality may be relevant, even where the maximum number of sex establishments has not been exceeded.

The Sub-Committee does not think that any kind of policy decision was reached when the Soho area was created in terms of deciding the suitability of streets on the boundary of the area. The boundary was almost certainly determined as a matter of administrative convenience. If a policy decision had been taken to include Oxford Street, the Sub-Committee is of the view that the north side would also have been included.

The Sub-Committee has concluded that Soho has many different characteristics. It would be ridiculous to suggest that Oxford Street or Regent Street have the same character as Wardour Street and Old Compton Street. They are completely different. For the purposes of this application, the Sub-Committee has decided that the entire Soho area is not the relevant locality for the purposes of paragraph 12(3)(d) of Schedule 3 to the 1982 Act. The relevant locality is the immediate locality where the subject premises are situated, namely the north and south sides of Oxford Street, between Oxford Circus and Tottenham Court Road.

There are no objections to this application from the Metropolitan Police, the London Fire and Emergency Planning Authority, the Licensing Inspectorate, the Environmental Health Officer, the Cleansing Officer, the District Surveyor or the local councillors. The application is not contrary to policy as there will be no increase in the approved number of licences in the Soho locality (16) and there are no schools, places of religious worship or community / public buildings within 75 yards of the application premises (apart from a recording studio).

In terms of the outward appearance of the premises, the sex shop itself will be located in the basement. The applicants have indicated that they are prepared to allow the Council to agree to any external window displays on the ground floor, even though the ground floor is not part of the licensed premises. The applicants point out that there are other premises within a close proximity to the application premises which do not need a sex shop licence (or, at least, are not licensed) which have illuminated ground floor window displays which exhibit "explicit" lingerie. Moreover, it is suggested that the external display of the Harmony premises will be a great improvement on the appearance of the current shop on the site.

Evidence has been submitted regarding the suggestion made by another Councillor that Oxford Street is "predominantly a family led retail environment". This was clearly her perception as a local councillor and the Sub-Committee has some sympathy for the view she expressed (albeit that her views were not actually communicated to the applicants until the decision was released). The evidence from the applicants has obviously been submitted with a view to rebutting such a suggestion.

It is acknowledged by the Sub-Committee that sex shops are less detrimental than sex cinemas and sex encounter establishments. It is also acknowledged that 103 Oxford Street is not situated in a part of Westminster that can be considered to be primarily residential in nature. This application is made on the basis that if the new licence is granted, an existing licence will be surrendered in respect of premises in Old Compton Street. Although the premises in Old Compton Street are much smaller, this is considered to be an advantage as it does help to break up the concentration of premises in that area.

The Sub-Committee accepts that the proposals for these premises will be an improvement on what is regarded as a traditional sex shop. Having regard to the nature of the relevant locality and all the other circumstances identified, the Sub-Committee has decided to grant the application subject to a number of special conditions and undertakings.

There is concern that this application will result in the first licensed sex establishment in Oxford Street. The Sub-Committee is concerned to ensure that the granting of this application will not be the beginning of a phased programme to move sex shops from the concentrated areas where they are currently situated

(Brewer Street, Walkers Court, Rupert Street, Old Compton Street, Wardour Street and Great Windmill Street) to the potentially more profitable market that exists in a prime shopping street such as Oxford Street. Applicants will make such a judgment on a purely commercial basis. The City Council has to address the wider concerns. Consequently, the Sub-Committee wants to stress that this decision must not be regarded as a precedent for any similar applications that may be received.

Consequently, **THE DECISION IS**

That the application made by Harmony Limited for a new sex establishment licence for a sex shop in respect of the basement of 103 - 103A Oxford Street, London W1 be granted until 31 January 2005 subject to the standard conditions for annual licences for sex establishments and the following special conditions:

1. The premises shall not be used for the purposes of this licence until all works required have been completed to the satisfaction of the Council and this condition has been removed from the licence.
2. This licence will not become operative until the licence for the existing sex establishment at 11 Old Compton Street has been surrendered and this condition has been removed from the licence.
3. Notwithstanding the provisions of Standard Condition 4 the premises may be kept open for the purposes of this licence from 11am to 10 pm on each of the days Monday to Sunday.
4. Access to the basement will solely be by the internal staircase from the ground floor shop. The staircase leading to Great Chapel Street will not be used for access under any circumstances (subject to any use in the event of fire).
5. Details of the dedicated refuse storage and waste collection arrangements shall be sent to the Council for approval within 28 days of the grant of any licence.
6. There shall be no advertisement of the premises by way of "A" boards or temporary poster signs.
7. The fixed signage at the premises and the general external appearance shall be approved by the City Council.
8. The number of persons accommodated at any one time (excluding staff) shall not exceed 40.

In reaching this decision, regard has been given to the undertakings given by / on behalf of the applicant as follows:

- (a) The licensee shall submit plans to the Council for the shop front (including window display) of the ground floor premises which shall not be implemented without the written approval of the Council. This will be done before either the ground floor or the basement premises open for trading.
- (b) No change to the shop front or the window display shall be made without the prior written approval of the Council.
- (c) The licensee will ensure that no person under the age of 18 is admitted to the premises (ground floor and basement).
- (d) The terminal hours of trading of the ground floor shall be those permitted by the licensed basement.

RESOLVED: The Chairman advised that the application would be granted for the reasons set out above and subject to revised undertakings supplied by the applicants.

5 CLOSE OF MEETING

5.1 The meeting ended at 20:35.

SIGNED: _____ DATE: _____

OBJECTION 1

Nelson, Nicholas

From: [REDACTED]
Sent: 11 February 2014 20:35
To: General Licensing
Cc: [REDACTED]
Subject: Ref: 14/00509/LISEXR, Harmony Adult Centre

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

Ref: 14/00509/LISEXR, Harmony Adult Centre

We wish to object to the renewal of the premises license for Harmony Adult Centre, 103A Oxford Street, London, W1D 2HG. We are a local family, and we live at [REDACTED]. We can be contacted on this email address or by telephone [REDACTED].

Our grounds for objecting are:

- Harmony's retail offering and position is contradictory to the mission of The New West End Company, which states it is "dedicated to driving forward London's West End as the world's top shopping destination". As the body elected by West End businesses to ensure London's West End shopping experience is world class, and its aims supported by Westminster Council, we assume they can not be supportive of Harmony in the mix as a credible Oxford Street retailer.
- Harmony's prominent position on Oxford Street makes its branding and message clearly visible to those underage – be they pedestrians or passengers in cars, taxis and buses – and this is entirely inappropriate given the 'family day-out' draw of shopping in the West End and the otherwise family orientated retail mix of Oxford Street.
- Harmony's continuing operation as a sex shop would be against Westminster Council's own position in regard to reducing the volume of sex establishments in the Soho area and its support of the area's regeneration and transformation.

• A significant part of the regeneration programme supported and allowed by Westminster Council for the Soho and Fitzrovia area, has been the bringing back to life of out-dated and redundant office buildings as private residences, and many are close to the site of Harmony; Paramount House, The Quadrangle, The Hat Factory and Beaver Building and the (soon to be completed) Ampersand to name a few - with some developments only completed and occupied over the last 12-months. These are not simply buy-to-let investment properties by overseas landlords, but real homes for real families. The Hat Factory and Beaver Buildings is almost completely owner occupied, and several are occupied by families with teen and pre-teen children. The positioning of a sex shop in close proximity to the rising volume of family residential housing is increasingly unacceptable.

• The site of Harmony's retail store on the corner of Oxford Street and Great Chapel Street is concerning and impacting detrimentally on the area given the extensive work being undertaken by the Crossrail project. The hoarding around the Crossrail site has transformed Great Chapel Street for the worse from a full-width street to a narrow single-file passageway (with recessed doorways) and the assumption is that this hoarding will remain in situ for a considerable time to come (several years) given the Crossrail building programme.

o A highly visible and obvious adult sex shop and a narrow passageway now make Great Chapel Street as a pedestrian route a definite no-go street for many - particularly young women and [REDACTED]. Oxford Street visitors and local residents, male or female, and especially those on their own, should not be made to feel vulnerable in what should be a world class shopping street and area.

o Westminster Council has an obligation to make Oxford Street and its surrounding streets as welcoming and non-threatening as possible to all its visitors and the increasing number of residents in the Soho and Fitzrovia areas. The type of retail establishment is much a part of achieving this as is good street lighting and access. Crossrail's continued impact on Great Chapel Street can not be reversed, but the additional impact of a sex shop on the corner of Great Chapel Street can.

• The arrival of Crossrail:

o Crossrail will have a huge impact in delivering significantly increased numbers of visitors (UK and overseas) to the Oxford Street area attracted by the promise of high-end shopping and restaurants. A prominent sex shop doesn't fit with this future promise.

o The junction of Dean Street and Oxford Street will be a transit hub for arriving shoppers, families and overseas visitors. A sex shop must not be arriving visitors first retail experience of Oxford Street

We urge the Council not to allow the renewal of the license application.

Best regards

[REDACTED]

OBJECTION 2

Nelson, Nicholas

From: [REDACTED]
 Sent: 11 February 2014 20:45
 To: General Licensing
 Cc: [REDACTED]
 Subject: 14/00509/LISEXR, Harmony Adult Centre

Follow Up Flag: Follow up
 Flag Status: Completed

Dear Sirs,

Ref: 14/00509/LISEXR, Harmony Adult Centre

We wish to object to the renewal of the premises license for Harmony Adult Centre, 103A Oxford Street, London, W1D 2HG. We are a local family, and we live at [REDACTED]. We can be contacted on this email address or by telephone [REDACTED].

Our grounds for objecting are:

- Harmony is not in keeping with the overall retail mix of Oxford Street, which is renown for its fashion retail and high end department stores.
- Harmony's retail offering and position is contradictory to the mission of The New West End Company, which states it is "dedicated to driving forward London's West End as the world's top shopping destination". As the body elected by West End businesses to ensure London's West End shopping experience is world class, and its aims supported by Westminster Council, we assume they can not be supportive of Harmony in the mix as a credible Oxford Street retailer.
- Harmony's prominent position on Oxford Street makes it's branding and message clearly visible to those underage – be they pedestrians or passengers in cars, taxis and buses – and this is entirely inappropriate given the 'family day-out' draw of shopping in the West End and the otherwise family orientated retail mix of Oxford Street.
- Harmony's continuing operation as a sex shop would be against Westminster Council's own position in regard to reducing the volume of sex establishments in the Soho area and its support of the area's regeneration and transformation.
- A significant part of the regeneration programme supported and allowed by Westminster Council for the Soho and Fitzrovia area, has been the bringing back to life of out-dated and redundant office buildings as private residences, and many are close to the site of Harmony; Paramount House, The Quadrangle, The Hat Factory and Beaver Building and the (soon to be completed) Ampersand to name a few - with some developments only completed and occupied over the last 12-months. These are not simply buy-to-let investment properties by overseas landlords, but real homes for real families. The Hat Factory and Beaver Buildings is almost completely owner occupied, and several are occupied by families with teen and pre-teen children.

The positioning of a sex shop in close proximity to the rising volume of family residential housing is increasingly unacceptable.

The site of Harmony's retail store on the corner of Oxford Street and Great Chapel Street is concerning and impacting detrimentally on the area given the extensive work being undertaken by the Crossrail project. The hoarding around the Crossrail site has transformed Great Chapel Street for the worse from a full-width street to a narrow single-file passageway (with recessed doorways) and the assumption is that this hoarding will remain in situ for a considerable time to come (several years) given the Crossrail building programme.

- o A highly visible and obvious adult sex shop and a narrow passageway now make Great Chapel Street as a pedestrian route a definite no-go street for many - particularly young women. Oxford Street visitors and local residents, male or female, and especially those on their own, should not be made to feel vulnerable in what should be a world class shopping street and area.

- o Westminster Council has an obligation to make Oxford Street and its surrounding streets as welcoming and non-threatening as possible to all its visitors and the increasing number of residents in the Soho and Fitzrovia areas. The type of retail establishment is much a part of achieving this as is good street lighting and access. Crossrail's continued impact on Great Chapel Street can not be reversed, but the additional impact of a sex shop on the corner of Great Chapel Street can.

The arrival of Crossrail:

- o Crossrail will have a huge impact in delivering significantly increased numbers of visitors (UK and overseas) to the Oxford Street area attracted by the promise of high-end shopping and restaurants. A prominent sex shop doesn't fit with this future promise.

- o The junction of Dean Street and Oxford Street will be a transit hub for arriving shoppers, families and overseas visitors. A sex shop must not be an arriving visitor's first retail experience of Oxford Street.

We urge the Council not to allow the renewal of the license application.

Best regards,

[REDACTED]

OBJECTION 3

Nelson, Nicholas

From: [REDACTED]
Sent: 12 February 2014 14:33
To: General Licensing
Cc: [REDACTED]

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon,

We are responding to your invitation to comment on the proposed relicensing of Harmony in Oxford Street. This establishment is simply not appropriate for an area which has acquired the reputation of being "the finest shopping street in the world". This end of Oxford Street is gradually losing its downmarket image, and we look forward to the less desirable establishments being replaced with retail businesses of quality to enhance not devalue the area for both residents and tourists.

Yours Sincerely,

[REDACTED]

Schedule of conditions

Special conditions attached to the existing licence:

1. Notwithstanding Standard Condition no. 4, the premises may be kept open for the purpose of this licence from 23:00 on each of the days Monday to Saturday to 01:00 on the day following, and from 23:00 to 00:00 on Sundays.
2. There shall be no pictorial or diagrammatical representations of full or implied nudity to advertise what is going on inside the premises.
3. No music or other sounds shall be audible outside the premises.
4. All windows shall remain obscured and if displayed any signs must be discreet and fixed no lower than five feet above the ground.
5. Steps shall be taken to ensure the quiet and orderly entry and exiting of the premises by staff and patrons.
6. The Council shall be advised of managers, proposed managers and changes of managers.
7. The licensee shall ensure that the highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
8. No illegal unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
9. All waste is properly presented and placed out for collection no earlier than 30 minutes before the stated collection times.

Standard Conditions relating to all Sex Establishment premises (excluding Sexual Entertainment Venues):

Standard Condition 3:

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

Standard Condition 4:

The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.

Standard Condition 5:

(a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.

(b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.

(c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.

Standard Condition 6:

(a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.

(b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.

(c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

(d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

Standard Condition 7:

(a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:

- (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
- (b) Indecent behaviour, including sexual intercourse;
- (c) The offer of any sexual or other indecent service for reward;
- (d) Acts of violence against person or property and/or the attempt or threat of such acts.

(b) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

(c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

Note: Soliciting includes the distribution of leaflets unless authorised by a consent under section 4 of the London Local Authorities Act 1994

(d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.

(e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

Standard Condition 8:

(a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.

(b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

Standard Condition 9:

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter establishment).

Standard Condition 10:

No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where works necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

Standard Conditions relating specifically to sex shops:

Standard Condition 29:

All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.

Standard Condition 30:

All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.

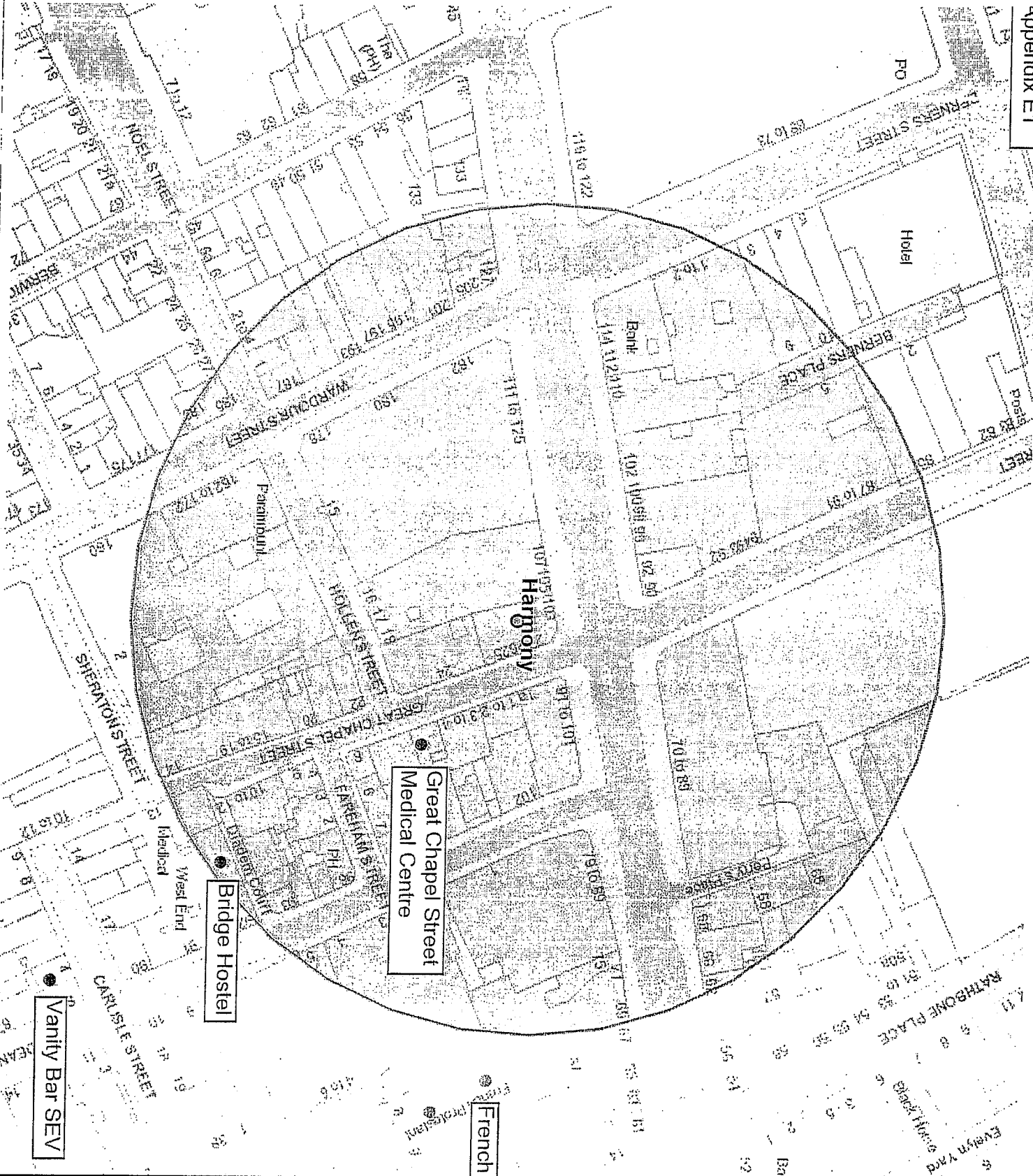
Standard Condition 31:

No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

Licence history of the premises

Application	Details of Application	Date determined	Decision
New sex establishment application 03/03608/LISEXN	Application for a new sex shop licence	09.03.2004	Granted by Licensing Sub-Committee
Renewal of sex establishment licence 05/00623/LISEXR	Application to renew the sex shop licence	06.05.2005	Granted under delegated authority
Renewal of sex establishment licence 06/00866/LISEXR	Application to renew the sex shop licence	31.05.2006	Granted under delegated authority
Renewal of sex establishment licence 07/01253/LISEXR	Application to renew the sex shop licence	07.08.2007	Granted under delegated authority
Renewal of sex establishment licence 08/00801/LISEXR	Application to renew the sex shop licence	22.05.2008	Granted under delegated authority
Renewal of sex establishment licence 09/00714/LISEXR	Application to renew the sex shop licence	25.06.2009	Granted under delegated authority
Renewal of sex establishment licence 10/00587/LISEXR	Application to renew the sex shop licence	08.09.2010	Granted under delegated authority
Renewal of sex establishment licence 11/00846/LISEXR	Application to renew the sex shop licence	18.05.2011	Granted under delegated authority

Renewal of sex establishment licence 12/00455/LISEXR	Application to renew the sex shop licence	20.06.2012	Granted under delegated authority
Renewal of sex establishment licence 13/00576/LISEXR	Application to renew the sex shop licence	23.07.2013	Granted under delegated authority
Renewal of sex establishment licence 14/00509/LISEXR	Application to renew the sex shop licence		<i>Pending application</i>



Harmony, 103A Oxford Street

- <all other values>
- Primary
 - Secondary
 - Faith Groups
 - Hostels - Special Needs Schen
 - Live Sex Establishments
 - Westminster Boundary
 - Westminster Boundary
 - Westminster Boundary

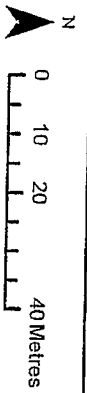
French Protestant Church

Great Chapel Street Medical Centre

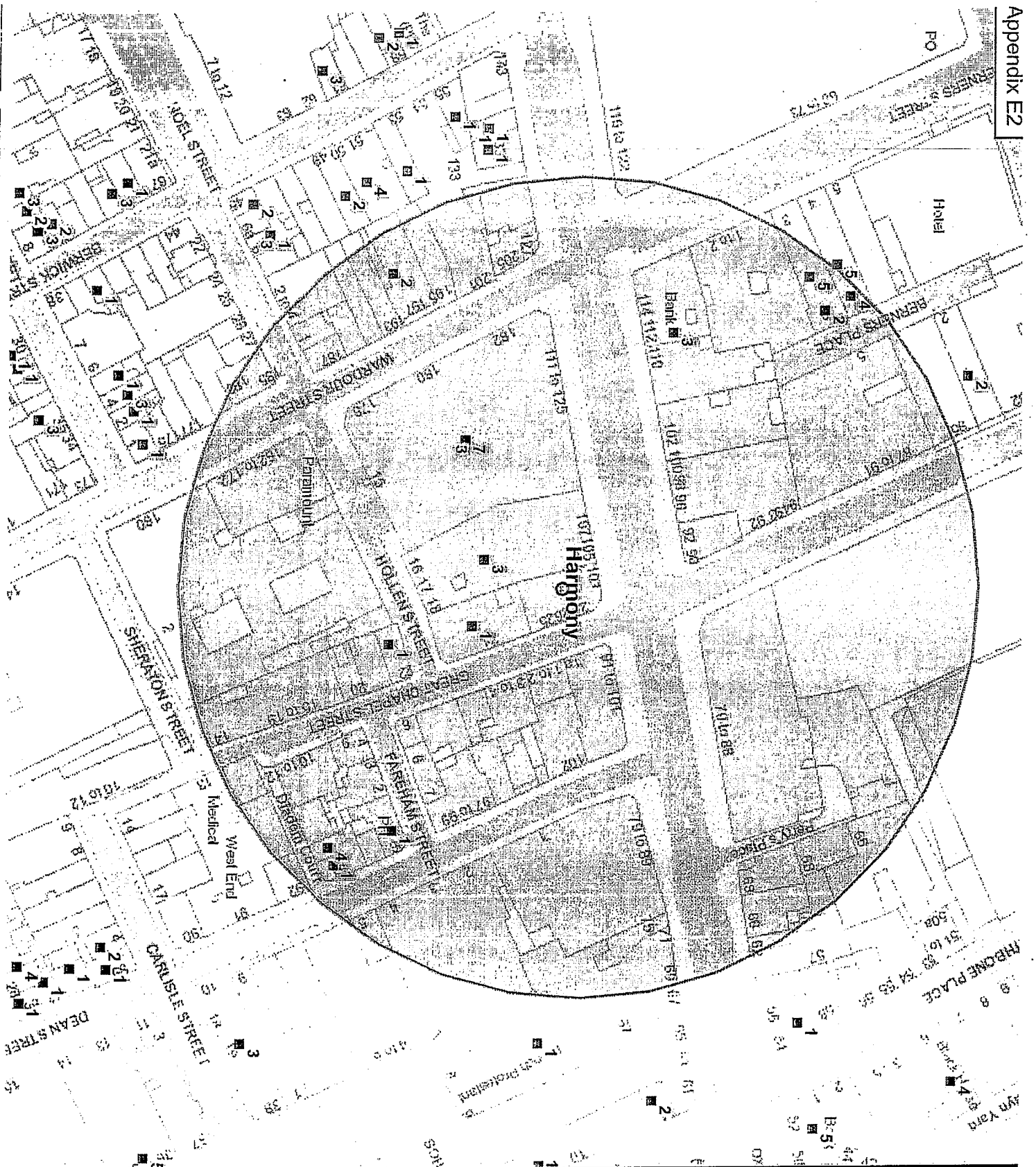
Bridge Hostel

Vanity Bar SEV

City of Westminster

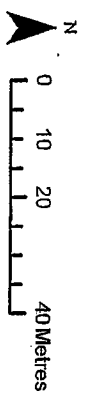


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Harmony, 103A Oxford Street

- <all other values>
- Proposed Residential Units
- Residential Units
- ▲ Under Construction
- ▣ Westminister Boundary
- ▣ Westminister Boundary



City of Westminster



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HARMONY



GPS: 51.5158 0.1219

