



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday, 25th February 2021**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Karen Scarborough (Chairman)
Heather Acton
Rita Begum

If you require further information, please contact Sarah Craddock,
Senior Committee and Governance Officer.

Email: scraddock@westminster.gov.uk
Tel: **07790 980 186**
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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the Membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. 10.00 AM: DINNER JACKETS, JUBILEE HALL, JUBILEE MARKET, THE PIAZZA, COVENT GARDEN WC2E 8BE

(Pages 5 - 36)

Ward SCZ*	Site Name & Address	Application Type	Licensing Reference No.
St James N/A	Dinner Jackets Units 18 & 19 Jubilee Hall Jubilee Market The Piazza Covent Garden WC2E 8BE	Premises Licence Variation	20/11204/LIPV
* Special Consideration Zone			

2. 1.00 PM: KIN CAFÉ, BASEMENT & GROUND FLOOR, 22 FOLEY STREET, LONDON W1W 6DT

(Pages 37 - 66)

Ward SCZ *	Site Name & Address	Application Type	Licensing Reference No.
West End N/A	Kin Café Basement & Ground Floor 22 Foley Street London W1W6 6DT	New Premises Licence	20/11005/LIPN
* Special Consideration Zone			

**Stuart Love
Chief Executive
18 February 2021**

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

POLICY CONSIDERATIONS

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

GUIDANCE CONSIDERATIONS

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

1. Procedure for Virtual Hearings Held Under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

2. Accessing Virtual Hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

3. Final Submissions Before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically no later than **5.00 pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), must be submitted to the Licensing Service by **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: licensing@westminster.gov.uk

4. Rules During Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- 4.1. All parties wishing to participate in the hearing must register their wish to participate in the hearing and provide their email addresses to the Licensing Service at licensing@westminster.gov.uk no later than 12 noon on the Monday before the Thursday hearing is scheduled to take place.
- 4.2. All parties should join the virtual hearing at least 15 minutes before the advertised start time to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- 4.8. Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- 4.9. To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

5. Procedure

- 5.1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
- 5.5. Each party who has registered to speak, will be invited to make their representations and will be allowed a maximum of 10 minutes each. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
- 5.6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
 - (a) The applicant
 - (b) Responsible authorities
 - (c) Other persons
- 5.7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

- 5.8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
- 5.9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than 5 minutes each, in the following order:
 - (a) Responsible authorities
 - (b) Other persons
 - (c) The applicant
- 5.10. The Chairman shall then close the meeting and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
- 5.11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision ("Summary Decision") will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated: 14 January 2021

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 1.

Item No:	
Date:	25 February 2021
Licensing Ref No:	20/11204/LIPV - Premises Licence Variation
Title of Report:	Dinner Jackets Unit 18 And Unit 19 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: msteward1@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	1 December 2020		
Applicant:	Mr Nicolas Henry		
Premises:	Dinner Jackets		
Premises address:	Unit 18 & 19 Jubilee Hall, Jubilee Market The Piazza Covent Garden London WC2E 8BE	Ward:	St James's Ward
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	<p>The premises is a market stall serving hot food, snacks and refreshments and is licensed to sell mulled wine only between 15th November to 15th February each year between the hours of 11:00 to 19:00.</p> <p>This variation seeks to permit the sale of alcohol for consumption off the premises between the hours of 11:00 to 21:00 Monday to Sunday 365 days a year, and 366 in a leap year.</p> <p>The sale of alcohol is not to be restricted to mulled wine, the applicant is seeking to sell a small range of beers wines and spirits for consumption off the premises.</p>		
Premises licence history:	This premises has had the benefit of a premises since August 2010, a copy of the licence and the full licence history can be seen at Appendix 3 of the Report.		
Applicant submissions:	The applicant has provided a sample of the menu available from the stall this can be seen at Appendix 2 of this Report.		
Applicant amendments:	None.		

1-B	Current and proposed licensable activities, areas and hours					
Regulated Entertainment						
Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		Off Sales Only			No Variation Sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	19:00	11:00	21:00	Market Style Stall	No Variation Sought
Tuesday	11:00	19:00	11:00	21:00		
Wednesday	11:00	19:00	11:00	21:00		
Thursday	11:00	19:00	11:00	21:00		
Friday	11:00	19:00	11:00	21:00		
Saturday	11:00	19:00	11:00	21:00		
Sunday	11:00	19:00	11:00	21:00		
Seasonal	Current:			Proposed:		

variations/ Non-standard timings:	From 15th November to 15th February each year only	Remove Seasonal Variation
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Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	19:00	10:00	21:00	Market Style Stall	No Variation Sought
Tuesday	11:00	19:00	10:00	21:00		
Wednesday	11:00	19:00	10:00	21:00		
Thursday	11:00	19:00	10:00	21:00		
Friday	11:00	19:00	10:00	21:00		
Saturday	11:00	19:00	10:00	21:00		
Sunday	11:00	19:00	10:00	21:00		
Seasonal variations/ Non-standard timings:	Current: From 15th November to 15th February each year only				Proposed: Remove Seasonal Variation	

1-C	Layout alteration
There are no changes in layout sought by way of this variation.	

1-D	Conditions being varied, added or removed
Condition Proposed To be Removed from the Operating Schedule:	
5. The supply of alcohol shall only be permitted from 15th November until 15th February each year.	
6. The supply of alcohol shall be restricted to mulled wine only.	
7. All sales of alcohol shall be for immediate consumption and supplied in plastic containers only	
Adult entertainment:	Current position:
	Proposed position:

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 21 December 2020</i>)
Representative:	PC Brian Hunter
Received:	10 December 2020
With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.	
The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder. In addition there is insufficient detail contained within the applications operating	

schedule as to how the licensing objectives would be promoted.

On the 18 December 2020 the Metropolitan Police wrote:

Further to my communications with Mr Gibson, I have put together a list of the model conditions, that should this application be granted we The Metropolitan Police would like to be placed onto the premises Licence.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
4. 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.
5. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal
6. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
7. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

I look forward to your response in due course.

On the 21 December 2020, the applicant accepted the proposed Metropolitan Police Service conditions and the Metropolitan Police subsequently withdrew their representation.

Responsible Authority:	Environmental Health Service (<i>Withdrawn 23 January 2021</i>)
Representative:	Maxwell Koduah
Received:	16 December 2020

I refer to the variation application for the Premises Licence number for the above-mentioned premises. The premises is located within the West End Cumulative Impact Area. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The applicant is seeking to supply alcohol for consumption "off" the premises Monday to Sunday from 11:00 to 21:00 hours.

Applicant also wants the following conditions removed from the lic.

C5 - The supply of alcohol shall only be permitted from 15th November until 15th February each year.

C6 - The supply of alcohol shall be restricted to mulled wine only

C7 - All sales of alcohol shall be for immediate consumption and supplied in plastic containers only

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

The supply alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

Applicant has not provided enough information to demonstrate that, as a market stall supplying alcohol as part of seasonal accompaniment to food & snack, unrestricted supply of alcohol throughout the year would not increase the risk of public nuisance and public safety. It is my view that as presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

Following the agreement of conditions between Environmental Health and the Applicant, Environmental Health withdrew their representation on the 23rd January 2021.

Responsible Authority:	Licensing Authority
Representative:	Kevin Jackaman
Received:	18 December 2020

I write in relation to the application submitted for a new premises licence for Unit 18 And Unit 19, Jubilee Hall Jubilee Market, The Piazza, Covent Garden

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

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

The application seeks the following:

To remove conditions 5, 6 and 7 from the existing licence , which restrict the sale of alcohol to the service of mulled wine between the period of 15th November and 15th February each year. The application also seeks to remove the requirement that all sales of alcohol are for immediate consumption and supplied in plastic containers only.

The premises are located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1 and OS2.

Policy CIP1 is the relevant policy applicable to applications for premises within a cumulative impact area. Policy CIP1 states: "It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the cumulative impact areas".

Policy OS2 relates to the alcohol sales off the premises within the cumulative impact area. This policy states: "Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas"

Paragraph 2.5.26 of the Council's Statement of Licensing Policy states: "There are problems of street drinking found across the city. While there are some areas with recurring problems of street drinking 'schools', they also crop up in different areas at different times and seasons. Shops selling alcohol can be a focus of antisocial behaviour, disorder and disturbance"

Paragraph 2.5.27 continues: "Some shops and supermarkets selling alcohol in Westminster's commercial and residential areas have been a focus for anti-social behaviour, disorder and disturbance. This has been caused by street drinkers and underage drinkers who have tried to obtain or have obtained alcohol from such premises"

The Licensing Authority note that the applicant has been in contact with the Metropolitan Police and has proposed the following conditions:

1. Alcohol is only to be sold for consumption off the premises as ancillary to

food. No alcohol to be sold for off sales without food. (save for the current position with mulled wine).

2. No alcohol to be on open sale. All alcohol to be stored behind the counter, and only sold on request for a named item by the customer.

3. A personal licence holder to be on duty at all times alcohol is sold.

The Licensing Authority have concerns that the premises will be going from a premises that serves only one type of alcohol for a limited period of the year to a premises which will be selling a range of alcohol on a permanent basis and therefore the impact in the cumulative impact areas has potential to be far greater. In order to fully assess the application, the Licensing Authority require the applicant to make further submissions in respect of the following points:

- How does the applicant intend to trade from the premises?
- Further details of the food offer that will be provided
- Submissions on how the granting of the application will not add to cumulative impact in the Cumulative Impact Area are also welcomed in relation to policy OS2 and in particular how the applicant proposes to address the issues of street drinkers and underage sales

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

Please accept this as a formal representation.

On the 18 December the applicant responded to the Licensing Authority as follows:

Thank you for your email.

I can confirm we have been in discussion with the police in respect of this application, and have offered additional conditions to be included on the operating schedule, should the licence be granted. I am still waiting on a response from the police at this moment in time.

For clarity we have offered the following:

Alcohol is only to be sold for consumption off the premises as ancillary to food. No alcohol to be sold for off sales without food. (save for the current position with mulled wine).

No alcohol to be on open sale. All alcohol to be stored behind the counter, and only sold on request for a named item by the customer.

A personal licence holder to be on duty at all times alcohol is sold.

To reduce the threat of street drinking, we are happy to accept a condition that prohibits the sale of beers, lagers and ciders above 5.5%, save for pre agreed premium products. This, coupled with the requirement for food to be purchased in order to obtain alcohol should reduce the threat of street drinking becoming a problem due to these premises.

In order to remove the threat of sales to those under the age of 18, we point to the challenge 25 condition offered in the operating schedule which will be adhered to. In addition we have also committed to a personal licence holder being on duty at all times alcohol is served. Due to the nature of the business, all potential customers will have to ask for alcohol as no product will be on open sale. This will deter many under age customers from even attempting to purchase alcohol.

The range of alcohol will be small, simply because the premises is very small, and space is limited. As I said, no alcohol will be on open sale, so the chance of this premises adding to the

cumulative impact in the area is negligible, due to the limited quantity and range.

The premises trade as a Hot Dog stall, and the food sold will centre around this theme. I have requested a current menu, which I will forward on to you under a separate email, so you can see the full range of food on offer.

In addition the hours requested are modest, with a terminal hour of 21:00 and no sale of alcohol to commence before 11:00, which falls well within the council policy hours for off sales.

Taking the above measures into consideration, it is our submission that the premises will not add to the cumulative impact of the area, by selling alcohol for consumption off the premises. Food must be purchased with all alcohol sales and no alcohol is available on open sale. The range will be extremely small, and the quantity of alcohol stored on the premises will be modest due to the size of the premises.

For these reasons, the applicant believes that he will not add to the cumulative impact of the area.

The Licensing Authority has maintained their representation due to the location and being positioned in the Cumulative Impact Area, therefore it is for the applicant to prove that the variation to the Premises Licence will not add to Cumulative Impact and is for the Committee to form their decision.

3.	<p>Policy & Guidance</p> <p>Westminster City Council has adopted a revised Statement of Licensing Policy that became operative from 7 January 2021. This application for was applied for on 26 October 2020. At the time of submission, the Council's Statement of Licensing Policy 2016 was applied to this application. However, the Licensing Service has outlined below the policy considerations necessary for this application in accordance with the revised policy which will be effective when this application is determined on 14 January 2021.</p>
<p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p>	
<p>Policy CIP1 applies</p>	<p>A. It is the Licensing Authority's policy to refuse applications within the West</p> <p>End Cumulative Impact Zone for: pubs and bars, fast food premises, and</p> <p>music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative</p> <p>Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant.</p>
<p>Policy OS1 applies</p>	<p>A. Applications outside the West End Cumulative</p> <p>Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone <p>Policy SCZ1 if the premises are located within a designated zone.</p> <ol style="list-style-type: none"> 4. The application and operation of the venue meeting the definition

	<p>for a premises that provides off sales of alcohol as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. <p>C. For the purposes of this policy, a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is primarily for consumption off the premises (i.e. shops, stores and supermarkets, etc.).</p>
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4. Equality Implications

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

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

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

4.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises Licence and History
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: msteward1@westminster.gov.uk

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

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

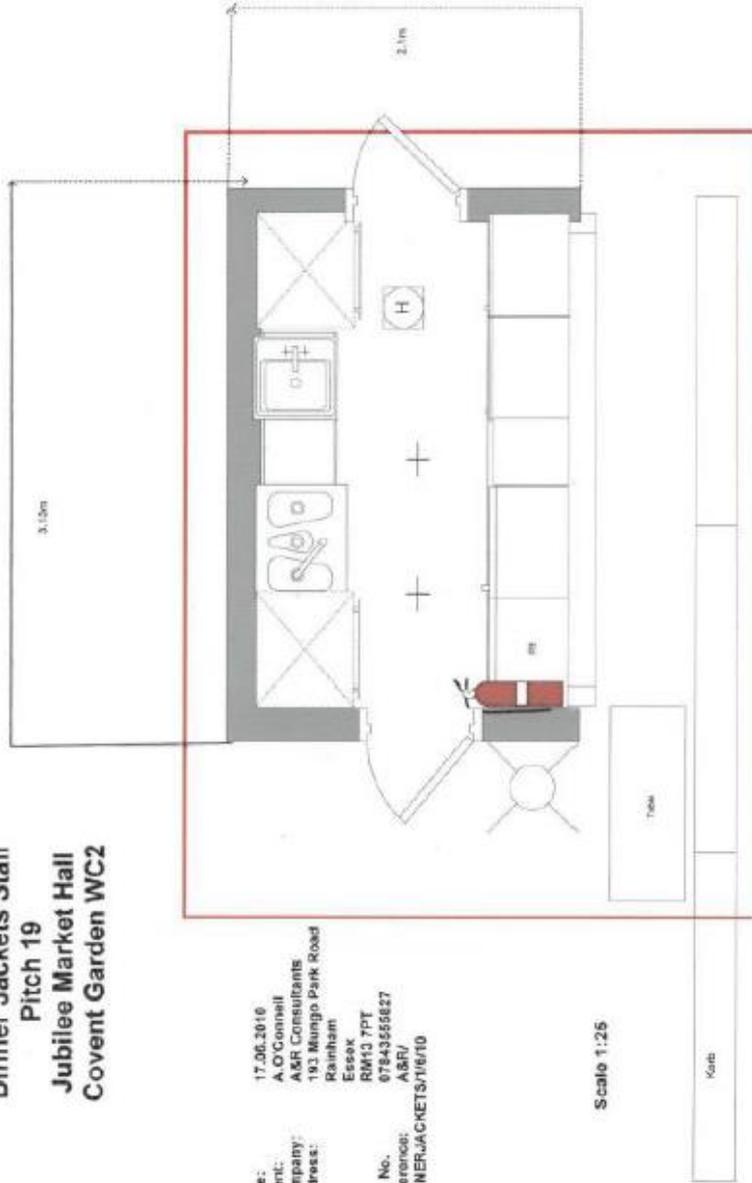
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Representation (Withdrawn)	10 December 2020
5	Environmental Health Representation (Withdrawn)	16 December 2020
6	Licensing Authority Representation	18 December 2020

Dinner Jackets Stall
Pitch 19
Jubilee Market Hall
Covent Garden WC2

Date: 17.06.2016
Agent: A.O'Connell
Company: A&R Consultants
Address: 193 Mungo Park Road
Rainham

Essex
RM13 7PT
Tel. No. 0784355627
Reference: A&R/
DINNERJACKETS/16/10

Scale 1:25



Sample Menu





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

Premises licence

Regulation 33, 34

Premises licence number:

10/04974/LIPN

Original Reference:

10/04974/LIPN

Part 1 – Premises details

Postal address of premises:

Dinner Jackets
Unit 18 & 19
Jubilee Hall, Jubilee Market
The Piazza
Covent Garden
London
WC2E 8BE

Telephone Number:

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 Sunday: 11:00 to 19:00 (For mulled wine only)
Seasonal Details: From 15th November to 15th February each year only

The opening hours of the premises:

Monday to Sunday: 11:00 to 19:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Mr Nicolas Henry

7 Ulswater Close
Stevenage
Kent
SG1 6AF
Mobile Phone Number : 07794 557 075

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

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

Name: Mr Adrian Zimmerman

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: 05/08791/LIPERS
Licensing Authority: City Of Westminster Council

Date: _____ 27th September 2010 _____

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.

The following mandatory conditions will come into force from the 1st October 2010

4. (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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

5. The supply of alcohol shall only be permitted from 15th November until 15th February each year.
6. The supply of alcohol shall be restricted to mulled wine only.
7. All sales of alcohol shall be for immediate consumption and supplied in plastic containers only.
8. Litter bins should be provided by the premises.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received regarding crime and disorder
 - (c) any incidents of disorder
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service.

Annex 4 – Plans

Attached



Schedule 12
Part B

WARD: St James's
UPRN: 010033556583

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

10/04974/LIPN

Part 1 – Premises details

Postal address of premises:

Dinner Jackets
Unit 18 & 19
Jubilee Hall, Jubilee Market
The Piazza
Covent Garden
London
WC2E 8BE

Telephone Number:

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 Sunday: 11:00 to 19:00 (For mulled wine only)
Seasonal Details: From 15th November to 15th February each year only

The opening hours of the premises:

Monday to Sunday: 11:00 to 19:00

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

Alcohol is supplied for consumption off the Premises.

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

Mr Nicolas Henry
7 Ulswater Close
Stevenage
Kent

SG1 6AF

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

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

Name: Mr Adrian Zimmerman

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

Restricted

Date: 27th September 2010

Signed: pp
Operational Director - Premises Management

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
10/04974/LIPN	Application for a New Premises Licence	26.08.2010	Granted under Delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

The following mandatory conditions will come into force from the 1st October 2010

4. (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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Conditions 5, 6 and 7 are sought by the applicant to be removed from the operating schedule by way of this variation:

- 5. The supply of alcohol shall only be permitted from 15th November until 15th February each year.**
- 6. The supply of alcohol shall be restricted to 'mulled wine only'.**
- 7. All sales of alcohol shall be for immediate consumption and supplied in plastic containers only.**
8. Litter bins should be provided by the premises.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received regarding crime and disorder
 - (c) any incidents of disorder
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service.

Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the Operating Schedule:

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
13. 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.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal
15. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked

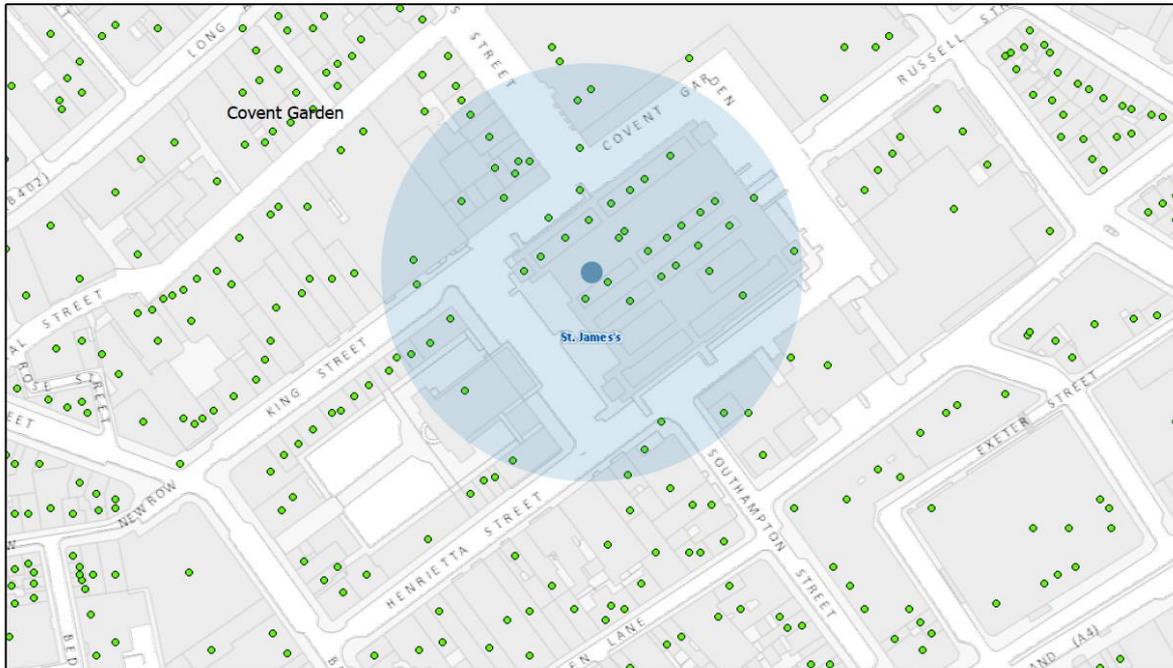
grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

16. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

Conditions proposed by Environmental Health Service and agreed with the applicant so as to form part of the Operating Schedule:

17. Alcohol is only to be sold for consumption off the premises as ancillary to food. No alcohol to be sold for off sales without food. (save for the current position with mulled wine).
18. No alcohol to be on open sale. All alcohol to be stored behind the counter, and only sold on request for a named item by the customer.
19. A personal licence holder to be on duty at all times alcohol is sold.

Web AppBuilder for ArcGIS



11/02/2021 10:09:15

- Property Mailing List
- Ward Labels
- Ward Boundaries
- Borough Boundary - Detailed



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Licensed Premises within 75 metres of Dinner Jackets Unit 18 & 19 Jubilee Hall, Jubilee Market, The Piazza, Covent Garden, London, WC2E 8BE				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/07138/LIPDPS	Meatailer	Unit 1a Mezzanine Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE	Restaurant	Monday to Sunday; 09:00 - 00:30
20/09028/LIPDPS	Le Pain Quotidien (48)	26 - 49 The Market Covent Garden London WC2E 8RE	Cafe	Monday to Sunday; 07:00 - 00:00

20/04163/LIPN	Not Recorded	26 - 49 The Market Covent Garden London WC2E 8RE	Cafe	Monday to Sunday; 07:00 - 00:00
10/04974/LIPN	Dinner Jackets	Unit 18 And Unit 19 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE	Restaurant	Monday to Sunday; 11:00 - 19:00
20/07176/LIPDPS	21	21 The Market Covent Garden London	Restaurant	Monday to Saturday; 09:00 - 02:30 Sunday; 12:00 - 23:00
18/15095/LIPT	Vini Italiani Wine Cafe	33 The Market Covent Garden London WC2E 8RE	Restaurant	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 12:00 - 22:30
09/07681/LIPD	Tutti Frutti	Unit 29 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE	Restaurant	Monday to Sunday; 11:00 - 19:00
16/05916/LIPN	Aubaine	22 The Market Covent Garden London WC2E 8RD	Shop	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 22:30
12/01629/LIPDPS	Battersea Pie Station	28 The Market Covent Garden London WC2E 8RE	Restaurant	Monday to Sunday; 09:00 - 20:00
18/12484/LIPDPS	Not Recorded	32 The Market Covent Garden London WC2E 8RE	Restaurant	Tuesday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00

				- 23:00
19/04503/LIPDPS	Sushi Samba Covent Garden	35 The Market Covent Garden London WC2E 8RF	Restaurant	Monday to Thursday; 07:00 - 00:45 Friday to Saturday; 07:00 - 01:00 Sunday; 07:00 - 23:30 Sundays before Bank Holidays; 07:00 - 01:15
19/03565/LIPDPS	The Crusting Pipe	27 The Market Covent Garden London WC2E 8RD	Restaurant	Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00 Sundays before Bank Holidays; 10:00 - 00:30
20/04488/LIPV	Shake Shack	23 The Market Covent Garden London WC2E 8RD	Restaurant	Monday; 10:00 - 23:00 Tuesday; 10:00 - 23:00 Wednesday; 10:00 - 23:00 Thursday; 10:00 - 23:00 Friday; 10:00 - 23:00 Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30
16/06937/LIPCH	Punch And Judy Public House	The Punch And Judy 40 The Market Covent Garden London WC2E 8RF	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 23:30
18/03886/LIPDPS	Hotel Chocolat	10 The Market Covent Garden London WC2E 8RA	Shop	Not Recorded; XXXX - XXXX

20/06670/LIPDPS	Laduree	1 The Market Covent Garden London WC2E 8RA	Restaurant	Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 22:30 Sundays before Bank Holidays; 09:00 - 00:00
19/11133/LIPVM	Buns & Buns	5 The Market Covent Garden London WC2E 8RA	Restaurant	Monday; 07:00 - 01:30 Tuesday; 07:00 - 01:30 Wednesday; 07:00 - 01:30 Thursday; 07:00 - 01:30 Friday; 07:00 - 01:30 Sunday; 07:00 - 00:30
18/08034/LIPVM	Bun Buns	5 The Market Covent Garden London WC2E 8RA	Restaurant	Monday; 08:00 - 00:30 Tuesday; 08:00 - 00:30 Wednesday; 08:00 - 00:30 Thursday; 08:00 - 00:30 Friday; 08:00 - 00:30 Sunday; 08:00 - 00:00
19/11336/LIPDPS	Whittard Of Chelsea	18 The Market Covent Garden London WC2E 8RB	Restaurant	Monday to Sunday; 09:00 - 22:00
20/07091/LIPT	The Roadhouse	Basement 35 The Piazza Covent Garden London WC2E 8BE	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
19/04643/PREAPM	Not Recorded	Basement 35 The Piazza Covent Garden London WC2E 8BE	Not Recorded	

17/06018/LIPN	Not Recorded	Basement 35 The Piazza Covent Garden London WC2E 8BE	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
17/06988/LIPV	Chez Antoinette	The Piazza Covent Garden London	Not Recorded	Monday to Sunday; 11:00 - 23:00
06/07969/WCCMAP	The Rock Garden And Gardening Club	6 - 7 The Piazza Covent Garden London WC2E 8HB	Restaurant	Monday to Sunday; 09:00 - 06:00
15/07111/LIPN	Morelli's Gelato CG Ltd	20A The Market Covent Garden London WC2E 8RB	Cafe	Monday to Sunday; 07:00 - 23:30
10/05496/LIPN	Hola Paella	28B The Piazza Covent Garden London WC2E 8RD	Restaurant	Monday to Saturday; 09:00 - 23:00 Sunday; 09:00 - 22:30
10/05017/LIPV	Andronicas World Of Coffee	28B The Piazza Covent Garden London WC2E 8RD	Restaurant	Monday to Friday; 08:00 - 00:30 Saturday to Sunday; 10:00 - 00:30
15/04356/LIPN	St Paul's Church And Grounds	St Pauls Church Bedford Street London WC2E 9ED	Village hall, scout hut or similar	Monday to Sunday; 00:00 - 00:00
18/01122/LIPDPS	The Ivy Market Grill	1A Henrietta Street London WC2E 8PP	Restaurant	Monday to Thursday; 07:00 - 00:30 Friday; 07:00 - 01:00 Saturday; 08:00 - 01:00 Sunday; 08:00 - 23:30
20/04745/LIPV	Andronicas World Of Coffee (Shadow 27B The Piazza)	27B The Market Covent Garden London WC2E 8RD	Cafe	Monday; 08:00 - 00:30 Tuesday; 08:00 - 00:30 Wednesday; 08:00 - 00:30 Thursday; 08:00 - 00:30

				Friday; 08:00 - 00:30 Saturday; 08:00 - 00:30 Sunday; 10:00 - 00:30
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Agenda Item 2. Licensing Sub-Committee Report

Item No:	
Date:	25 February 2021
Licensing Ref No:	20/11005/LIPN - New Premises Licence
Title of Report:	Kin Cafe Basement And Ground Floor 22 Foley Street London W1W 6DT
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

1. Application

1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	25 November 2020		
Applicant:	Araz Farm Feed Ltd		
Premises:	Kin Cafe		
Premises address:	Basement And Ground Floor 22 Foley Street London W1W 6DT	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	This is an application for a new premises licence which intends to operate as a restaurant.		
Premises licence history:	The premises had the benefit of a premises licence from 2009 to 2012 in which it was surrendered.		
Applicant submissions:	Following Environmental Health's further submissions, the applicant has provided a response addressing the new policy. This can be found at Appendix 2 .		
Application amendments:	<p>During consultation with the Metropolitan Police, the applicant agreed to reduce their hours for the sale of Alcohol on Sundays to 12:00 to 22:30.</p> <p>The applicant has also reduced the opening hours on Sundays to 10:00 to 23:00.</p>		

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:30	22:30	22:30	22:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:			N/A				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	00:00	00:00	23:00
Seasonal variations/ Non-standard timings:			N/A				

2. Representations

2-A	Responsible Authorities
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	23 December 2020
<p>I refer to the application for a new premises licence for the above premises.</p> <p>The applicant has submitted a plan of the premises (no reference) showing the ground and basement floors.</p> <p>The applicant is seeking the following licensable activity:</p> <ol style="list-style-type: none">1. Supply of Alcohol 'On' the premises on Sunday to Thursday 10:00 to 22.30 hours and Friday and Saturday 10.00 to 23.30 hours. <p>I wish to make the following representations based on the plans and operating schedule submitted:</p> <ol style="list-style-type: none">1. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the area. <p>Environmental Health also makes the following further comments:</p> <ul style="list-style-type: none">• I understand the premises has already been operating as a non-licensed restaurant and a premises history check of Environmental Health records shows no issues with regards to nuisance reported against the premises.• Conditions and some undertakings have been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns. In any case some of the undertakings will need to be converted into enforceable conditions based on the Council's 'model' conditions.• Before the start of licensable activities he premises will need to be visited by Environmental Health for Public Safety and to check that the submitted plans are an accurate reflection of the premises.• Clarification is requested if the proposed external licensable area on the ground floor shown on the plans is a private forecourt or on the public highway.• The provision of sanitary accommodation for any proposed public capacity is recommended to be in line with the guidance set out in British Standard 6465 and separate facilities for staff provided in compliance with guidance to Food Hygiene legislation. <p>The applicant is therefore requested to contact the undersigned to discuss the above issues and arrange a further site visit after which Environmental Health may propose additional conditions for the proposed use.</p>	

Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 15 December 2020</i>)
Representative:	PC Adam Deweltz
Received:	04 December 2020
<p>Basement And Ground Floor, 22 Foley Street, London, W1W 6DT - 20/11005/LIPN</p> <p>I can confirm Westminster Police Licensing have received your application for the above premises.</p> <p>I have been through the operating schedule and I am very happy with what you have proposed.</p> <p>There is one thing Police require – Would it be possible to bring the hours for the supply of alcohol on a Sunday back to 12:00 please? Westminster’s core hours policy for the supply of alcohol on the premises on Sunday is Midday to 22:30.</p> <p>I look forward to hearing from you.</p> <p>Following an agreement with the applicant to reduce the hours to core hours on Sundays, the Metropolitan Police withdrew their representation on 15 December 2020.</p>	

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	19 December 2020		
<p>I am writing in response to the letter received on the 26th of November 2020 regarding the application reference 20/11005/LIPN. Name of applicant: Araz Farm Feed Ltd.</p> <p>In the licence plan proposed, the licensed premises includes an area outside the front of the premises. Despite their not applying for 'off-sales' this would still mean the applicant would be able to sell alcohol for consumption in this area until the times in the application form unless there is a condition preventing this. The noise caused from this will [REDACTED], thus causing a nuisance in our home environment.</p> <p>In the application Araz Farm Feed Ltd. seeks permission to sell alcohol for consumption on and off the premises between 10am and 10.30pm Sun-Thurs; 10am to 11.30 pm Fri-Sat; and 9am to 10.30pm Sun. The premises opening times would be 7am to 11pm Sun-Thurs, 7am to midnight Fri-Sat each day.</p> <p>As a resident [REDACTED] the proposed premises location (22 Foley St, Fitzrovia, W1W 6DT) - I, my wife and every other occupant of our building, oppose the application due to the noise that is already experienced from the surrounding hospitality venues until 11.30pm and sometimes 1am at night.</p> <p>The surrounding area has for long been peaceful and we do not wish for this to change.</p> <p>When people drink at the nearby venues there is always noise. Keeping bars open late only makes that situation worse. Given that this application will be another venue serving alcohol</p>			

until late into the evenings it will bring an excessive amount of disturbance to the surrounding residents, not to mention [REDACTED] the proposed location.

Araz Farm Feed Ltd.

If you would like a further commentary on the rejection of this application, please do reach out.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	02 December 2020		

I am writing in response to the letter received on the 26th of November 2020 regarding the application reference 20/11005/LIPN. Name of applicant: Araz Farm Feed Ltd.

I have made representation regarding the application online via the "make a comment" section of your website. Please also see the below comments.

I oppose the application due to the noise that is already experienced from the surrounding hospitality venues until 11.30pm, sometimes 1am at night.

The surrounding area is actually quite peaceful given that we are in Central London and we do not want this to change. We do already experience a level of noise from the hospitality venues in the area up until 11.30pm at night which has been extended until 1am before the most recent lockdown.

When people drink there is noise and keeping the bars open only make that situation worse.

So given my points above we do not accept the proposed application submitted by Kin as there is enough issues from surround bars already and this is directly [REDACTED].

If you would like further commentary on the rejection of this application, please reach out.

Westminster City Council has adopted a revised Statement of Licensing Policy that became operative from 07 January 2021. This application for was applied for on 25 November 2020. At the time of submission, the Council’s Statement of Licensing Policy 2016 was applied to this application. However, the Licensing Service has outlined below the policy considerations necessary for this application in accordance with the revised policy which will be effective when this application is determined on 25 February 2021.

3. Policy & Guidance

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

<p>Policy HRS1 applies</p>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and
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	<p>sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ul style="list-style-type: none"> • Restaurants <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RTN1 (A) applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones <p>Policy SCZ1 if the premises are located within a designated zone.</p> <ol style="list-style-type: none"> 4. The application and operation of the venue meeting the definition

	<p>of a restaurant as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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4. Equality Implications

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

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

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

5. Appendices

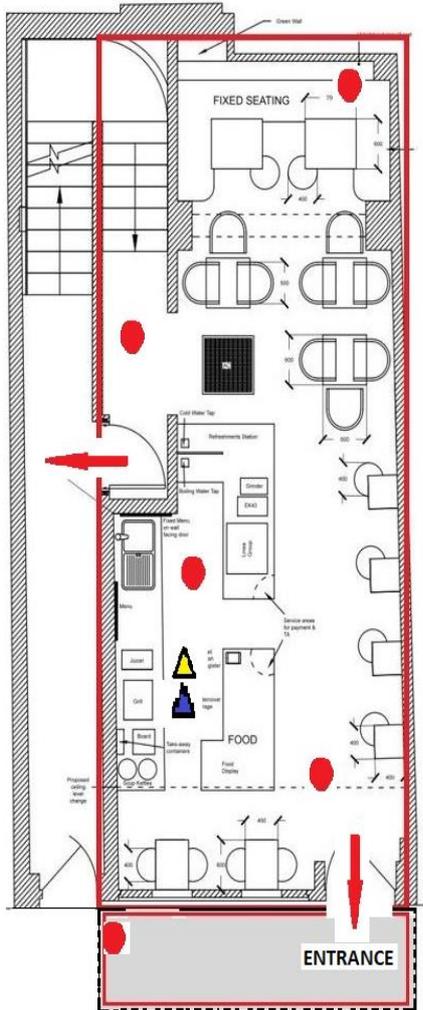
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Response from Resident 2 to the mediation email
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

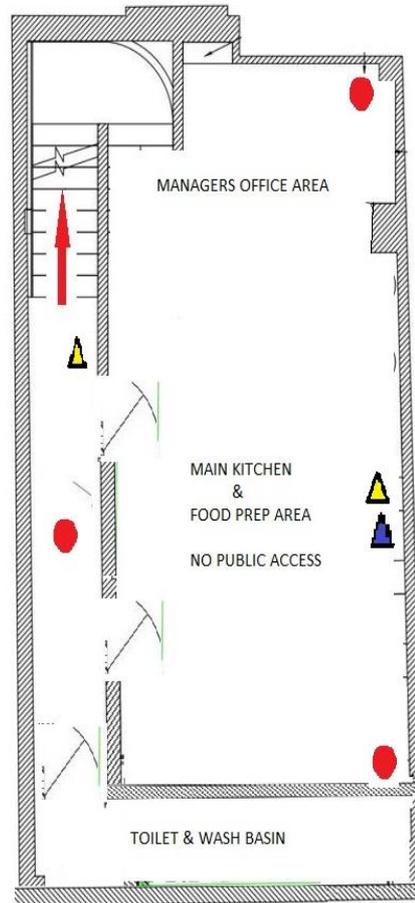
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Representation	23 December 2020
5	Metropolitan Police Representation (<i>Withdrawn 15 December 2020</i>)	04 December 2020
6	Resident representation 1	19 December 2020
7	Resident representation 2	02 December 2020



PROPOSED GROUND FLOOR LICENSING PLAN (1:50)



PROPOSED BASEMENT LICENSING PLAN (1:50)

PROPOSED LICENSING PLAN	KEY SCALE 1:100 DO NOT SCALE FROM THIS DRAWING
KIN CAFE 22 FOLEY STREET LONDON W1W 6DT	CCTV CAMERAS 
	FIRE EXIT 
	LICENSABLE AREA 
	FIRE EXTINGUISHER H2O 
	FIRE EXTINGUISHER CO2 

Correspondence between the Applicant and Environmental Health

From: Noel Samaroo <info.ntad@gmail.com>
Sent: 13 January 2021 13:17
To: Drayan, Anil: WCC <adrayan@westminster.gov.uk>
Subject: Fwd: Application 20/11005/LIPN, Foley Street, 22. (conds). 11.01.21

Dear Anil,

After consulting with the applicant I can confirm that we are in agreement to all of the proposed a conditions.

We are also adding to our staff training.

Guiding principles

1. Understanding and identifying abuse and neglect
2. Physical abuse
3. Emotional abuse
4. Sexual abuse and exploitation
5. Neglect

Taking action

6. Being alert to signs of abuse and neglect.

This training will be fully documented.

Kind regards

Noel Anthony Samaroo
NTAD CONSULTANTS LTD

----- Forwarded message -----

From: Drayan, Anil: WCC <adrayan@westminster.gov.uk>
Date: Mon, 11 Jan 2021, 18:05
Subject: Application 20/11005/LIPN, Foley Street, 22. (conds). 11.01.21
To: INFO.NTAD@GMAIL.COM <INFO.NTAD@gmail.com>

Hi Noel

Please find attached my proposals for your application.

Note the advice on the new Policy.

Also I propose 3 additional conditions and have 'tidied up' your proposed conditions.

- consumption,
- (v) which do not provide any takeaway service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

2. There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.
3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall always be available for inspection at the premises by the police or an authorised officer of the Council whilst the premises is open.
4. 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.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
6. 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.
7. If a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - (i) The police (and, where appropriate, the London Ambulance Service) are called without delay.
 - (ii) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
 - (iii) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (iv) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
8. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system

- (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
9. The DPS will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.
 10. 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.
 11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of Local Residents and businesses and leave the area quietly.
 13. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
 14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
 15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
 16. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
 17. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
 18. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
 19. The DPS will take full responsibility to ensure that all staff training is documented and to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise and with a comprehensive knowledge of Challenge 25. 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.
 20. Training is to be fully documented and refreshed every six months. The training records will be presented to an authorised officer or the Police upon request.

Please contact me if you require further advice or clarification on the above.

**Anil Drayan
Environmental Health Officer
Environmental Health Consultation Team**

Regulatory Support Team 2

Regards

Anil

Mr Anil Drayan
Environmental Health Officer
Environmental Health Consultation Team
Regulatory Support Team 2

Dir. Tel : 07931546137

E-mail : adrayan@westminster.gov.uk

Website : www.westminster.gov.uk

Westminster City Council
City Management & Communities
15th Floor
City Hall
64 Victoria Street, London
SW1E 6QP

From: [REDACTED]
To: [Donovan, Jessica: WCC](#); [REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1
Date: 28 January 2021 10:57:41
Attachments: [image008.png](#)

Hey Jessica,

We would like to maintain our objection please.

I have copied in the other residents of the building who are also of the same opinion. It's not an issue to have Kin serve alcohol but we do have an issue with the proposed times that they would be trading until as the noise carries in our street and this establishment is [REDACTED]

I trust that you will write to us with the outcome.

Many thanks in advance

[REDACTED]

From: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Sent: 28 January 2021 10:52
To: [REDACTED]
Subject: RE: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hi [REDACTED],

A representation can either be an objection against an application or it could be in support of application. In your case you are objecting to the application. Based on the information you have been given by the applicant and the information contained in the application please could I ask you to confirm if you wish to maintain objection against the application or would you like to withdraw your objection.

Kind Regards

Jessica Donovan
Senior Licensing Officer
Public Protection and Licensing
Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP
Direct line: 07815665265
Contact Centre: 020 7641 6500

Email: [Jdonovan@westminster.gov.uk](mailto:jdonovan@westminster.gov.uk)
Team E-mail: licensing@westminster.gov.uk
Web: www.westminster.gov.uk
P Before printing, think about the environment

From: [REDACTED]
Sent: 28 January 2021 10:41

To: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Subject: Re: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hey Jessica,

Apologies I do not understand what you mean by representation. Can you explain please.

Thanks

From: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Sent: 28 January 2021 10:34
To: [REDACTED]
Subject: Re: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hi [REDACTED],

Thank you for your email.

I can confirm that a decision has not been made on this application. Should representations remain the application will be listed for a Licensing Sub-Committee hearing in which the application will be determined by the members of the committee. Please could I ask you to confirm if you wish to maintain or withdraw your representation.

Kind Regards

Jessica Donovan
Senior Licensing Officer
Public Protection and Licensing
Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP
Direct line: 07815665265
Contact Centre: 020 7641 6500
Email: Jdonovan@westminster.gov.uk
Team E-mail: licensing@westminster.gov.uk
Web: www.westminster.gov.uk
P Before printing, think about the environment

From: [REDACTED]
Sent: 27 January 2021 11:09
To: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Subject: Re: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hey Jessica,

Thanks for the clarity on the opening hours.

I think that the point has been missed that it is not ideal to have a company trading underneath our living accommodation until that late but if the council are going to approve it, I guess that there is nothing more we can say.

Thanks

██████████
From: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Sent: 26 January 2021 12:33
To: ██████████
Subject: RE: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hi ██████████,

Thank you for your email.

I can confirm that the applicant has agreed to reduce the hours for sale by retail of alcohol on Sundays to 12:00-22:30 (Originally applied for as 10:00-22:30). However their opening hours on Sunday will be 10:00-23:00 (Originally applied for as 07:00-23:00).

Therefore if granted the applicant will be able to sell alcohol until 22:30 and close at 23:00 on Sundays.

The hours for sale of alcohol and the opening hours Monday-Saturday have not been amended by the applicant and will stay as applied for in the application

Sale of Alcohol:

Monday-Thursday: 10:00-22:30
Friday-Saturday- 10:00-23:30
Sunday: 12:00-22:30

Opening Hours:

Monday-Thursday: 07:00-23:00
Friday-Saturday: 07:00-00:00
Sunday: 10:00-23:00

I hope this helps to alleviate your concerns.

Kind Regards

Jessica Donovan

Senior Licensing Officer
Public Protection and Licensing
Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London SW1E 6QP
Direct line: 07815665265
Contact Centre: 020 7641 6500
Email: jdonovan@westminster.gov.uk
Team E-mail: licensing@westminster.gov.uk
Web: www.westminster.gov.uk
P Before printing, think about the environment

From: ██████████
Sent: 25 January 2021 10:42
To: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Subject: Fw: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Hey Jessica,

Can you clarify the below please as it looks conflicting?

The applicant has also agreed with the Metropolitan Police Service to reduce the hours for sale by retail of alcohol on **Sundays to 12:00-22:30**

The applicant has agreed to reduce their opening hours on a **Sunday to 10:00-23:00**.

Are you suggesting that Kin will be open on a Sunday until 23.00 but need to stop selling alcohol at 22.30? To be honest that is really disappointing to hear that they will be open so late on a Sunday as the noise from downstairs travels up into my flat (they are directly below) and I cannot imagine that people being allowed to stand outside on the street for smoking will keep the noise to a minimum. Noise travels.

During the week can you confirm when they will be allowed to trade until as that information is also missing.

Thanks

██████████

From: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>

Sent: 20 January 2021 14:29

Subject: 20/11005/LIPN - Kin Cafe, 22 Foley Street, W1

Dear Sir/Madam,

Following your representation to the above application. I can confirm that the applicant has now agreed to Environmental Health's proposed conditions (please see attached).

The applicant has also agreed with the Metropolitan Police Service to reduce the hours for sale by retail of alcohol on Sundays to 12:00-22:30.

The applicant has agreed to reduce their opening hours on a Sunday to 10:00-23:00.

The applicant has also proposed the following two conditions:

1. Smokers to be restricted to (4) people at any one time
2. There are to be no drinks taken outside after 22:00 Monday to Sunday.

The applicant has also confirmed that they are also adding the following to their staff training.

Guiding principles

1. Understanding and identifying abuse and neglect
2. Physical abuse
3. Emotional abuse
4. Sexual abuse and exploitation
5. Neglect

Taking action

6. Being alert to signs of abuse and neglect.

This training will be fully documented.

I would be grateful if you could consider the information provided and confirm whether this satisfies your concerns and whether you wish to withdraw your representation.

Kind Regards

Jessica Donovan

Senior Licensing Officer

Public Protection and Licensing

Westminster City Council

15th Floor

Westminster City Hall

64 Victoria Street

London SW1E 6QP

Direct line: 07815665265

Contact Centre: 020 7641 6500

Email: Jdonovan@westminster.gov.uk

Team E-mail: licensing@westminster.gov.uk

Application	Details of Application	Date Determined	Decision
09/04415/LIPN	New premises application	28.08.2009	Granted by Licensing Sub-Committee (Licence surrendered 18.12.2012)
09/08583/LIPRW	Removal of a works condition	23.01.2010	Granted Under Delegated Authority

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule

9. Smokers to be restricted to (4) people at any one time.
10. There are to be no drinks taken outside after 22:00 Monday to Sunday.

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

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

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

12. There shall always be a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.
13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall always be available for inspection at the premises by the police or an authorised officer of the Council whilst the premises is open.
14. 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.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
16. 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.
17. If a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
- (i) The police (and, where appropriate, the London Ambulance Service) are called without delay.
 - (ii) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police.
 - (iii) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (iv) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

18. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
19. The DPS will ensure that the premises operate in line with existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.
20. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of Local Residents and businesses and leave the area quietly.
23. A direct telephone number for the manager at the premises shall always be publicly available whilst the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
26. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
28. No fumes, steam or odours shall be emitted from the licensed premises to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
29. The DPS will take full responsibility to ensure that all staff training is documented and to include obligations under the Licensing Act 2003, offences under the Act, underage sales, proxy sales, sales of alcohol to drunks, awareness and application of policies particular to the premise and with a comprehensive knowledge of Challenge 25. 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.

30. Training is to be fully documented and refreshed every six months. The training records will be presented to an authorised officer or the Police upon request.
31. There shall be a maximum of 3 tables and 6 chairs placed on the forecourt immediately outside the premises.
32. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.



Resident count: 481

Licensed premises within 75 Metres of Basement And Ground Floor, 22 Foley Street, London, W1W 6DT				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/01364/LIPV	Bonnie Gull	Basement And Ground Floor 21A Foley Street London W1W 6DR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 00:00
19/06582/LIPDPS	Foleys Restaurant	23 Foley Street London W1W 6DU	Restaurant	Monday to Sunday; 12:00 - 23:00
17/12454/LIPN	Not Recorded	Ground Floor 24-25 Foley Street London W1W 6DX	Restaurant	Monday to Friday; 07:00 - 22:00
13/10063/LIPDPS	West One News Ltd	Ground Floor 24-25 Foley Street London W1W 6DX	Shop	Monday to Sunday; 00:00 - 00:00
19/09563/LIPDPS	Crown & Sceptre Public House	86 Great Titchfield Street London W1W 6SD	Public house or pub restaurant	Monday to Saturday; 07:00 - 23:30 Sunday; 07:00 - 23:00
06/06474/WCCMAP	Sergio's	84-84A Great Titchfield Street	Restaurant	Monday to Saturday; 10:00 - 00:30

		London W1W 7QY		Sunday; 12:00 - 00:00
19/00924/PREAPM	Not Recorded	38 Foley Street London W1W 7TW	Not Recorded	
19/07803/LIPVM	Bellaria Restaurant	Basement And Ground Floor 71 Great Titchfield Street London W1W 6RB	Cafe	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 23:30 Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
18/13407/LIPVM	Meraki	80 - 82 Great Titchfield Street London W1W 7QT	Restaurant	Monday; 10:00 - 01:30 Tuesday; 10:00 - 01:30 Wednesday; 10:00 - 01:30 Thursday; 10:00 - 01:30 Friday; 10:00 - 01:30 Saturday; 10:00 - 01:30 Sunday; 10:00 - 00:30
19/14252/LIPDPS	The Grange Langham Court Hotel	31-35 Langham Street London W1W 6BU	Hotel, 3 star or under	Monday to Saturday; 10:00 - 00:30 Monday to Sunday; 00:00 - 00:00 Sunday; 12:00 - 00:00
20/08757/LIPDPS	Mac And Wild	Ground Floor 65 Great Titchfield Street London W1W 7PS	Restaurant	Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30 Sunday; 09:00 - 23:30 Sundays before Bank Holidays; 09:00 - 00:30

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