



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday, 2 September 2021**

Time: **10.00 am**

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

Members: **Councillors:**

Karen Scarborough (Chairman)
Richard Elcho
Maggie Carman

If you require further information, please contact the Committee Officer, Georgina Wills, Committee & Councillor Co-ordinator.

Email: gwills@westminster.gov.uk

Tel: **07870 548 348**

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 AM: OYSTERMEN, KIOSK AT APPLE MARKET, COVENT GARDEN, LONDON WC2E 8RD

Pages

5 - 44

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James' West End N/A	Oystermen Kiosk at Apple Market North Hall, Market Building Covent Garden London WC2E 8RD	New Premises Licence	21/03914/LIPN

*Cumulative Impact Area
** Special Consideration Zone

This will be a virtual meeting. Members of the Public can view the live broadcast using the media links on the Council's website.

2. 1.00 PM: FLAT WHITE LTD, 17 BERWICK ST, LONDON W1F 0PT

45 - 94

Ward CIA* SCZ*	Site Name & Address	Application Type	Licensing Reference No.
*			

West End West End N/A	Flat White 17 Berwick St London W1F 0PT	Variation to an Existing Premises Licence	21/02796/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

This will be a virtual meeting. Members of the Public can view the live broadcast using the media links on the Council's website.

**Stuart Love
Chief Executive
25 August 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 January 2021.

Guidance Considerations

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

Core hours When Customers Are Permitted to Be on The Premises

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

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

1. Casinos

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

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 09:00 hours to 24:00 hours

3. Hotels

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To a Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

4. Off licences

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

5. Outdoor Spaces

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To a Bank Holiday: 09:00 hours to 24:00 hours

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

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

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

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

7. Qualifying Clubs

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To a Bank Holiday: 09:00 hours to 24:00 hours

8. Restaurants

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To a Bank Holiday: 09:00 hours to 24:00 hours

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To a Bank Holiday: 09:00 hours to 24:00 hours

This page is intentionally left blank

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

This page is intentionally left blank

Item No:	
Date:	2 September 2021
Licensing Ref No:	21/03914/LIPN - New Premises Licence
Title of Report:	Oystermen Kiosk At Apple Market North Hall Market Building WC2E 8RD
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:	Daisy Gadd Senior Practitioner for Licensing
Contact details	Telephone: 0207 641 6500 Email: dgadd@westminster.gov.uk

1.	Application						
1-A	Applicant and premises						
Application Type:	New Premises Licence, Licensing Act 2003						
Application received date:	22 April 2021						
Applicant:	Oystermen Events Ltd						
Premises:	Oystermen						
Premises address:	Kiosk At Apple Market North Hall Market Building WC2E 8RD	Ward:		St James's			
		Cumulative Impact Area:		West End			
		Special Consideration Zone:		None			
Premises description:	According to the application form, this premises intends to operate as a restaurant kiosk within Apple Market, Covent Garden.						
Premises licence history:	This is a new premises licence application and therefore no history exists. A history of the temporary event notices in respect of this premises can be found at appendix 3.						
Applicant submissions:	As part of conversations between the applicant and Environmental Health, photos of the proposed kiosk were provided and can be found at appendix 2.						
Applicant amendments:	<p>On original submission of the application, the applicant applied for late night refreshment Monday to Thursday from 23:00 to 23:30, and Friday and Saturday from 23:00 to 00:00. This has since been withdrawn and does not form part of this application.</p> <p>The applicant also applied for the sale by retail of alcohol (both on and off the premises) Monday to Thursday from 09:00 to 23:30, Friday to Saturday from 09:00 to 00:00 and Sunday from 09:00 to 22:30. These hours have since been amended and are reflected at section 1B of the report.</p> <p>The opening hours have also been amended on Friday and Saturday from 09:00 to 00:00 to 09:00 to 23:30, as reflected below.</p>						

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					
		On Sundays prior to bank holidays 09:00 to 00:00.					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Licensing Authority
Representative:	Michelle Steward
Received:	10 May 2021
<p>I write in relation to the application submitted for a new premises licence at Oystermen, Kiosk At Apple Market, North Hall, Market Building, Covent Garden, WC2E 8RD.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm <p>The application is described as follows:</p> <p><i>"Restaurant Kiosk within Apple Market"</i></p> <p>And seeks the following licensable activities and hours:</p> <p>Sale by Retail of Alcohol – both on and off sales</p> <p>Monday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 00:00 Sunday 09:00 to 22:30</p> <p>Late Night Refreshment – Outdoors</p> <p>Monday to Thursday 23:00 to 23:30 Friday to Saturday 23:00 to 00:00</p> <p>Opening Hours</p> <p>Monday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 00:00 Sunday 09:00 to 22:30</p>	

Non standard and Seasonal Variations:

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

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

Westminster City Council's core hours are as set out below:

Restaurant Hours:

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.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1 and RTN1.

The applicant has described the application as a restaurant kiosk, it is noted that the plan indicates where the kiosk and concrete umbrella are to be located in the outside area however we seek further clarification of the following:

- Please confirm if the area marked for the kiosk and licensable area is private or public forecourt?
- Please provide the number of tables and chairs in the area?
- Where will these be stored once the kiosk is closed or will these be rendered unusable?
- The plan does not show any safety equipment all the legend indicates symbols.
- The supply of alcohol is for on and off the premises – does the kiosk provide any seating/dining space?

It is noted that the applicant has applied for both on and off sales for the sale by retail of alcohol, the Licensing Authority seeks further information. Will the sale by retail of alcohol be by waiter/waitress service? Please provide further information as to the style and operation of the Oystermen.

The Licensing Service seek the addition of the following conditions to the operating schedule:

- **MC70A** ***The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal .***
- **MC39** ***The supply of alcohol shall be by waiter or waitress service only.***

In respect of the off sales, the information contained in the application is limited and the Licensing Authority encourages the applicant to provide further submissions as to how this will be controlled and managed.

In addition to providing further information on how off sales will operate at the premises.

Covent Garden is busy thoroughfare and highly saturated with of licensed premises, residents and businesses alike, which brings its own issues of crime and disorder. We would refer you to sections D1 to D7 of the **Policy CIP1 and states:**

Policy CIP1

A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant.

The applicant will need to satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted.

With this in mind, please provide details of how the outside space will be managed and controlled:

1. Does the applicant have a dispersal and noise policy, please provide a copy of both.

The Licensing Authority encourages the applicant to provide further submissions as how this premises, if the licence is granted, will not add to cumulative impact in the cumulative impact area.

The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1.

The applicant will need to satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted. It will be for Licensing Sub-Committee Members to determine this application, given its location within the West End Cumulative Impact area and the proposed hours of operation.

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

Please accept this as a formal representation.

Responsible Authority:	Environmental Health (withdrawn on 17 August 2021)
Representative:	Ian Watson
Received:	20 May 2021

I refer to the application for a New Premises Licence.

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

The applicant has submitted plans of the premises.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday between 09.00 and 23.30 hours, Friday and Saturday 09.00 to 00.00 hours and Sunday between 09.00 to 22.30 hours. New Year's Eve to New Year's Day and Sunday before a Bank Holiday Monday 09.00 00.00 hours.
2. To provide Late Night Refreshment 'Outdoors' Monday to Thursday between 23.00 and 23.30 hours, Friday and Saturday 23.00 to 00.00 hours. New Year's Eve to New Year's Day and Sunday before a Bank Holiday Monday 23.00 00.00 hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CIZ.
2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CIZ.

The applicant has provided additional information with the application which is being addressed. Should you wish to discuss the matter further please do not hesitate to contact me.

Following the reduction in hours, withdrawal of late night refreshment and conditions agreed by the applicant, Environmental Health withdrew their representation on 17 August 2021.

Responsible Authority:	Metropolitan Police Service (withdrawn on 27 May 2021)
Representative:	PC Nicole Sondh
Received:	17 May 2021

I am writing with reference to the above application for which I am in receipt of. The premises is located within the Cumulative Impact Area therefore the Metropolitan Police as a responsible authority are making a representation against this application. It is our belief that should the application be granted that this would have a negative impact on crime and disorder in the area.

Further to the telephone conversation I had with you last week I am proposing the following conditions in addition to those listed in the operating schedule;

Condition 19 to be amended to –

19. There shall be no sales of alcohol for consumption off the premises after 21:00hrs

- 1. No drinks shall be served in glass containers for consumption off the premises.**
- 2. The supply of alcohol shall be by waiter or waitress service only.**

Please let me know if the applicant is in agreement to the above proposed conditions.

Following amendments to the application, the Metropolitan Police Service withdrew its representation on 27 May 2021. A full reasoning for the Police's withdrawal can be found below.

I am emailing with reference to the above new premises licence application whereby the applicant had applied for a new premises licence where the licensable activity applied for the supply of alcohol for both on and off the premises between the following hours;

09:00 hours – 23:00 hours Monday to Thursday
09:00 hours – 00:00 hours Friday and Saturday

09:00 hours – 22:30 hours Sunday.

These hours are within the Westminster Licensing Policy core hours for a premises operating as a restaurant and an ancillary condition has been offered within the operating schedule for the supply of alcohol on the premises.

The applicant did not want to apply an ancillary condition to the supply of alcohol for off sales, however has agreed to a conditions where off sales made for immediate consumption will cease at 21:00hrs, off sales of alcohol made after this time and up until 23:00 hours will be in sealed containers only. The hours of sale remain within in the licensing policy and with no alcohol available for immediate consumption after 21:00hrs the concern for the impact that this would have on crime and disorder is reduced.

I am aware of the objections made by local residents with regards to the increase in the anti-social behaviour since the premises has been operating by way of Temporary Event notices, however Police have no evidence to support this in terms of reports being made. It is hard to evaluate whether this premises is the sole cause of the representations made, given that the majority of licensed premises within the vicinity have provided off sales of alcohol for immediate consumption in line with the recent COVID Restrictions lifting. I do not believe it to be fair or proportionate to place the blame on one particular venue without the sufficient evidence to support. In addition to this the applicant has made compromises on his application in order to satisfy the policy and police concerns with regards to the licensing objectives.

Therefore taking into account the points addressed above and given that the applicant has agreed to the police conditions proposed the Metropolitan Police as a responsible authority withdraw their representation against this application.

2-B	Other Persons
Name:	██████████
Address and/or Residents Association:	██████████ ██████████
Received:	6 May 2021
There is no need for any more licensed drinking in this area. The area is extremely well served currently in the respect. Another issue is that the site is blocking access to the apple market where the landlords prohibit the consumption of alcohol. The fact that this will also block access to the apple market will adversely affect the market traders. It is not right nor proper for one business to be granted a license to then negatively impact access to many market traders. Once again there are ample licensed venues in the area. There is no need for yet another.	
Name:	██████████
Address and/or Residents Association:	██████████████████ ██████████████ ██████████
Received:	5 May 2021
I object and don't think you only have to look how things are already to see the y should not be serving alcohol at all – let alone from 9am – midnight!	
They are serving take away pints of beer already and there are groups of young men and not so young congregating and getting drunk in public. They are causing a nuisance with their rowdiness.	
They don't seem to be busy with food – even people in the restaurant are mainly drinking.	

There are no toilet facilities provided for them with the result some choose to go where they can in public.

The area Oystermen are has always been for families and tourists to watch entertainers – lots of drunk rowdy customers of Oystermen will ruin that. Also people are walking around the craft market with pints of lager browsing, some of them drunk and acting inappropriately, not nice for families or people just browsing.

Name:	[REDACTED]
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Received:	11 May 2021
------------------	-------------

I am writing to object to the above application for a further licence.

As a trader who's business has been severely affected and virtually wiped out at The Apple Market, the newly added makeshift bar at the end of the market has made things considerably worse and is contributing to the degradation of this once loved iconic tourists attraction.

I object to this licence on the following points:

- Stalls are being used as a toilet or a place to vomit. Traders are coming in to set up their stall with half empty glasses, vomit and urine everywhere. It is a major health risk and disgusting.
- Abusive, drunk clientele, fighting and anti-social behaviour have massively increased since this licence was given.
- Cleaners and security staff are being abused.
- Any sign of this appearing in the media will further attract the wrong clientele and put off decent tourists.
- Families going to theatres should not be subjected to abusive, drunk crowds.
- Theft, pick-pockets and personal assault have been lowered considerably in recent years and this will help to undo that and degrade the area.
- There are no toilet facilities. People have been filmed urinating in the Apple Market in the past week.
- Other than all this, a separate issue is that of the seating area and glass structure blocking the entrance to the Apple Market. From a business perspective this is disastrous but from a health and safety viewpoint, it poses a potential disaster if the building needs to be evacuated quickly.

The entire Apple Market Traders group objects to this.

I hope you will consider our objections and take them as seriously as we mean them.

Name:	[REDACTED]
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Received:	11 May 2021
------------------	-------------

We work near the Oystermen kiosk and wish to make a representation about the application for a premises licence by Oystermen, Kiosk at Apple Market, North Hall, Market Building, Covent Garden, WC2E.

We are against this application, in particular, the sale of alcohol.

As they are already selling alcohol we assume that they have a temporary licence?

1. The Oystermen Kiosk is acting like a takeaway bar, for the public consumption of alcohol in the surrounding area, in plastic glasses, with no rules. Covent Garden is a popular destination for families, with many children watching the street performers and especially when shows like The Lion King can open again. Their location is very close to where the street performances take place.
2. There is evidence of vomit and urine each morning. One of their customers urinated in the Apple Market before 6pm.
3. The back of the kiosk has beer barrels and gas cylinders exposed to the public walking by.
4. Busy periods have seen overcrowding and a lack of social distancing occur near the kiosk. The two weeks of trading during December were particularly bad with the police being called. The kiosk only has two staff and no doormen. It is very likely that antisocial behaviour will increase during the summer months.
5. We do not feel safe when groups of young men use empty Apple Market stalls to consume alcohol bought from the Oystermen.

Granting this licence is simply going to continue fuelling antisocial behaviour and the associated risks this bring to public safety.









Name:	██████████
Address and/or Residents Association	██████████ ██████████
Received:	12 May 2021
<p>I wish to make a representation against the Oysterman application to sell alcohol from a kiosk at the famous Covent Garden Apple market.</p> <p>The Apple market in Covent is a place for families with children to come and visit as well as tourists from all over the world.</p> <p>Since the Oysterman has been selling alcohol in front of the market, I have seen many times people behaving anti socially after consuming alcohol at the kiosk.</p> <p>Many times I've seen people urinate next to the market stalls. Every morning you can find signs of vomit. Behind the kiosk you can find beer barrels, gas cylinders and rubbish bags which leaves horrible smells.</p> <p>The Oysterman attracts large groups of youngsters drinking beer, leave empty cups all over the place and because of the alcohol consumption some behaving aggressively, it may make people feel unsafe.</p> <p>The Oysterman do not have customer's toilets and no security personnel. I think it's a wrong place to situate a pub in front of the Apple market in Covent Garden.</p> <p>Please take under consideration before approving the Oysterman a permanent licence to sell alcohol.</p>	



Name:	██████████
Address and/or Residents Association	██████████ ██████████

Received: 17 May 2021

I am writing this letter to state my disapproval concerning an application to Westminster Licensing Authority for the Oyster Men Events Ltd in Covent Garden for a Premises Licence

As a trader in Covent Garden Apple Market. I am concerned at the amount of alcohol being consumed on the premises of Covent Garden.

As you will be aware there are a number of licensed premises already selling alcohol. Presently we are dealing with a huge number of very drunk and aggressive drinkers, causing a disturbance. Urinating in public and vomiting. The lack of toilet facilities.

The hours they have requested to sell alcohol indicates to me. That they are trying to change the nature of their business. Oysters are seasonal.

Covent Garden is an iconic destination for tourists and families. People visit from all over the world to see the attractions. The stunning architecture, the fabulous crafts and performers. We need to preserve this special place and history. Maintain its dignity for everyone. For London not to be seen as a drinking den.

Please consider this application for a License to sell alcohol and its impact on the working environment.

Name:	██████████
Address and/or Residents Association	██████████ ██████████

Received: 18 May 2021

The ██████ objects to the provision of this license on the grounds of public safety, the prevention of public nuisance, the protection of children from harm and the prevention of crime and disorder.

From our own observations and feedback from local Apple Market traders, it is clear that the location of this kiosk blocks the entrance to the Apple Market and the flow of people into it from the West Piazza.

The sale of alcohol from this kiosk is also fuelling antisocial behaviour with one customer openly urinating in the Apple Market in the early evening. There is also often evidence of vomit and urine in the market the following morning. On one occasion the police had to be called. This is bound to get worse with the relaxing of Covid-19 restrictions and the summer period. Covent Garden is a popular destination for families, with many children watching the street performers. This kind of behaviour and atmosphere is not welcome and is also wholly inappropriate.

Added to all of this is the overcrowding and lack of social distancing near and around the kiosk (including inside the Apple Market), with no proper management of queues or keeping customers within the specified seating area. Those managing the kiosk and those in charge of market security should make sure that these aspects are properly managed if this stall is to work for all and not just for one particular group.

Name:	██████████ (withdrawn on 2 August 2021)
Address and/or Residents Association:	██
Received:	20 May 2021
<p>The ████████ objects to the grant of a Licence a Kiosk for Oystermen situated at the West End of the Apple Market on the terms applied for. This is because we believe it will harm the Licensing Objectives related to public nuisance and crime and disorder.</p> <p>Our concerns relate to the proposed hours of operation and to the conditions, especially those related to off-sales. We also have concerns about the design and positioning kiosk and its related seating area with its barriers and umbrellas</p> <p>The kiosk is already operating. The operation, and especially off-sales, are already giving rise to public nuisance (see off-sales section below). We are unclear on whether the current operation is appropriately licensed either through a premises licence or a (series of) TEN and whether it is complying with the relevant conditions. We would appreciate understanding this and if it is not appropriately licensed what enforcement action has already been taken by the Licensing Authority.</p> <p>Hours</p> <p>The application is for Core Hours. If these premises were inside a building this might be acceptable but in this case the area in which customers will be seated is outdoors. This means that any noise generated by customers will not be attenuated by a building and will be audible in the surrounding area. In the case of the Piazza there are residential buildings in the surrounding area and there is the risk of noise nuisance being caused. If noise comes from this location may also encourage additional noise from people in the vicinity of the premises.</p> <p>We acknowledge that the licence includes a proposed condition regarding noise emanating from the premises. However we believe that this is not sufficient protection for residents living in the area who may have a problem identifying from where any noise which causes a nuisance is originating.</p> <p>Given the fact that this is operating as an outside terrace we believe that it is appropriate that the hours of operation are restricted to end at 22:30, with the last customers being permitted to be seated at 22:00.</p> <p>We note that the premises do not have a toilet facility. We believe that there should be a condition on the licence that customers should be permitted access to toilet facilities in the immediate vicinity. This could be by an arrangement with another licenced premises in the area such as Vyta or Punch and Judy etc and that this arrangement should be made clear on the menu.</p> <p>Off-Sales</p> <p>The licence applied for is both for on and off sales. On-sales are only to seated customers and are ancillary to a substantial table meal in the same way as they would be made to the outdoor area of a restaurant and we do not have an objection to this (other than our concerns about positioning set out below). However the licence also allows unrestricted off-sales of alcohol in any form.</p> <p>This kiosk is already operating and we have observed that it is making significant quantities of off-sales of alcohol, especially beer. Customers of the premises have been seen walking away from the premises with 2 plastic pint glasses in hand and wandering around the Piazza area. We have had reports that some have vomited in the area and some have urinated on the building itself. Our position is that unrestricted off-sales in such a prominent position in the Market Buildings will give rise to issues of public nuisance and crime and disorder and should not be permitted. We acknowledge that there are other licenced premises with converted licenses which do allow off-</p>	

sales but these are not providing making these sales from a prominent ground floor position giving easy access to the market area.

We believe that off-sales from the premises should **not** be permitted in any form which can be consumed in the vicinity, whether immediately or not. The only off-sales permitted should be opened and resealed bottles of wine after a meal taken at the premises. A sealed containers condition is not sufficient because if the container is unsealed (eg the lid is taken off a plastic glass of beer) it can be immediately consumed.

The applicant may wish to offer a condition permitting the sale of full bottles of wine. We are open to this but also wish to avoid the possibility that customers here buy wine and open it for consumption in the immediate vicinity. An appropriate condition would need to be included on the licence.

Location of the Kiosk

Usually the location of a specific premises is a planning rather than a licencing concern. In this case we do not believe that any Planning Application for the kiosk has been made, and as it is a temporary structure do not know if one will be made. Because of this we are making a comment on the location as part of our Licensing Response.

We have 2 concerns:

The kiosk and its accompanying seating area are at the West End of the Apple Market. This is an area of stalls selling art and souvenirs and is an important aspect of the experience of Covent Garden. The view of the Apple Market from the West Piazza is completely blocked by these premises. This significantly reduces the flow of people to the stalls and hence puts the survival of a market at risk. This would harm the whole area and the atmosphere of the market.

The red line area on the plan goes right up to the area of the stalls for the market. This means that the central aisle of the market becomes a dead end. This obstruction of flow is a public nuisance, in the same way as blocking the pavement outside a licenced premise is a nuisance. The position of the kiosk and the red line area should be adjusted so that there is no actual or apparent restriction to the flow of people into or through the market stalls in this part of the Piazza.

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

Following the amendment of the application and conditions provided by the applicant, this representation was withdrawn on 2 August 2021.

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HSR1 applies:	<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 sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel

	<p>home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p style="padding-left: 40px;">Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am</p> <p style="padding-left: 40px;">Restaurants 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 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 Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

	<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.
<p>Policy CIP1 applies:</p>	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</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 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 premises use policies within this statement.</p>

4. Equality Implications

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

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

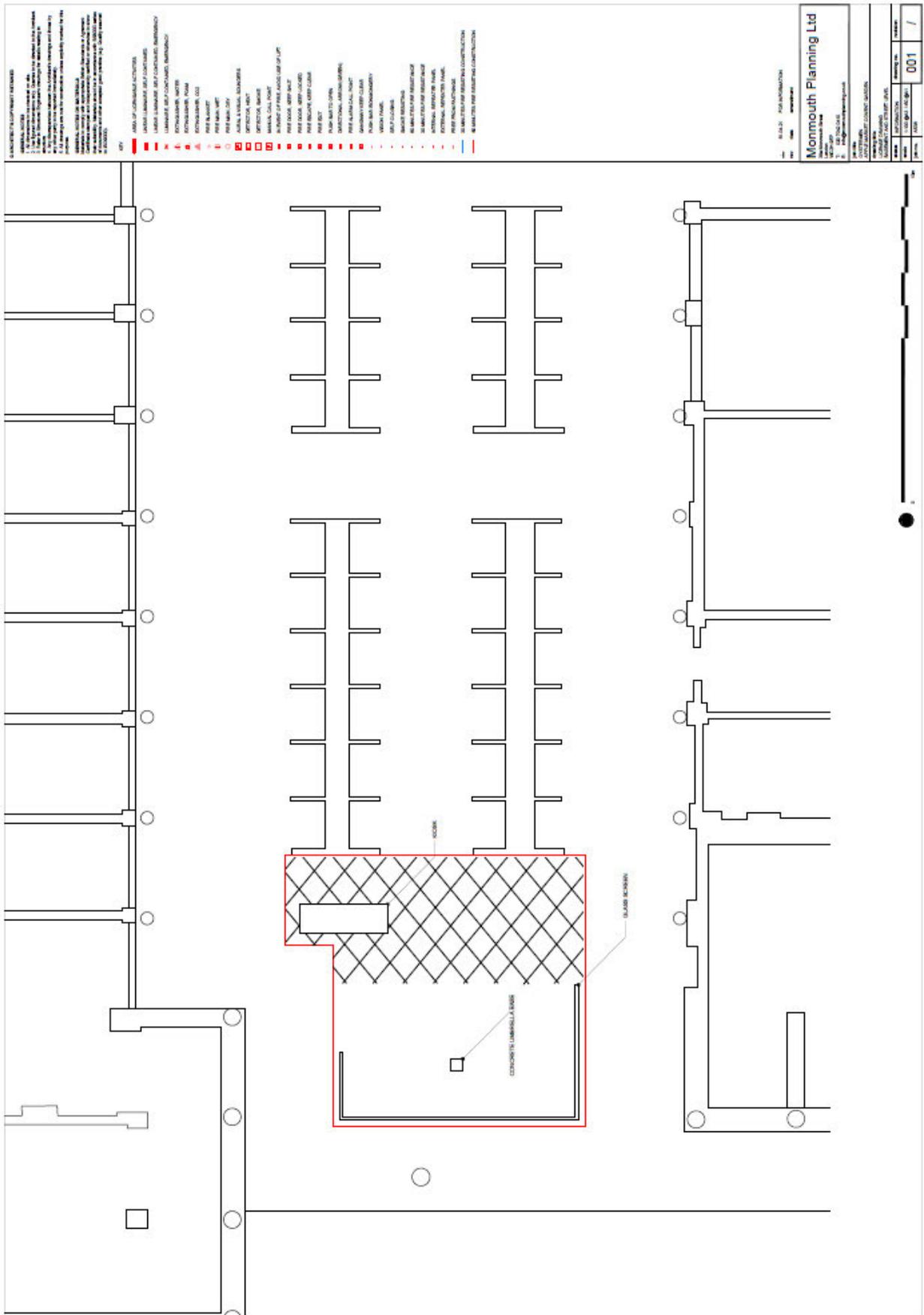
Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

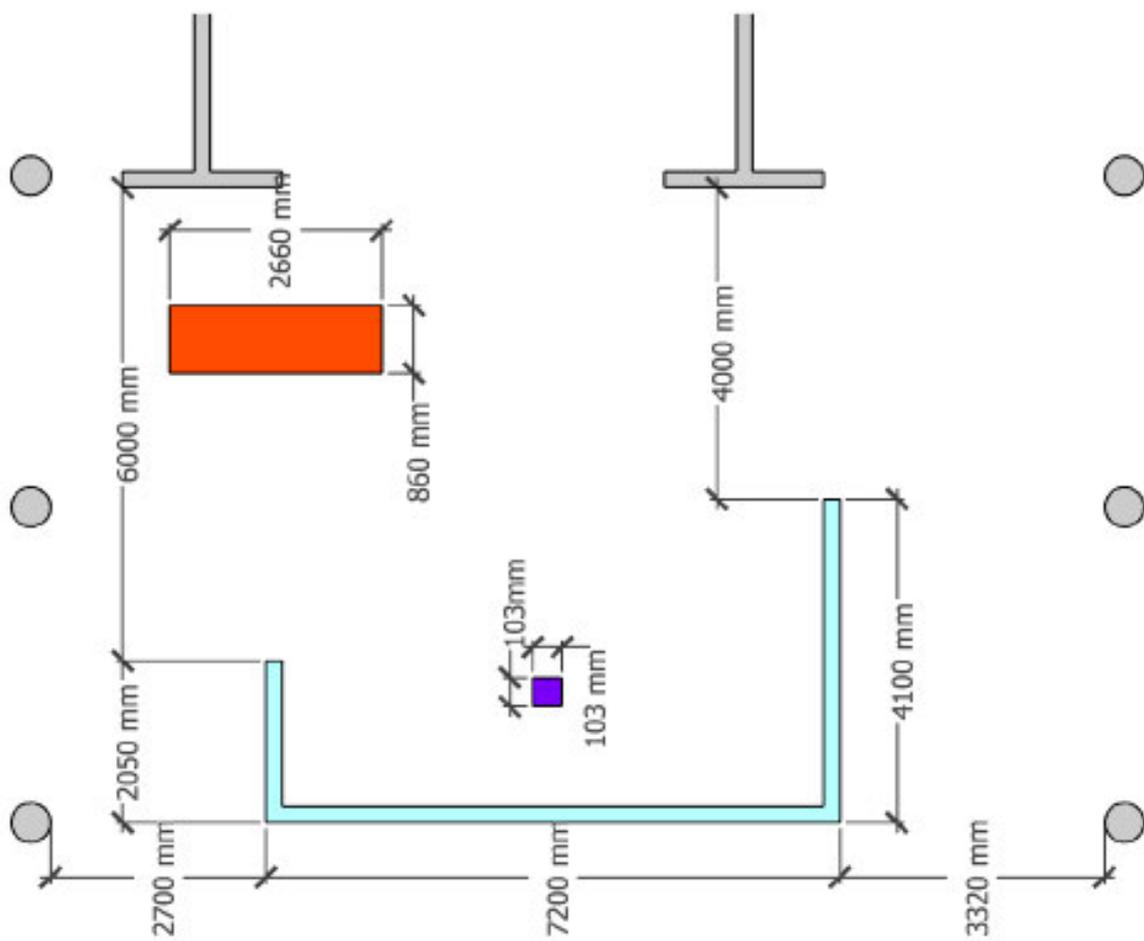
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity
Report author:	Daisy Gadd Senior Practitioner for Licensing
Contact:	Telephone: 0207 641 6500 Email: dgadd@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Licensing Authority representation	10 May 2021
5	Environmental Health representation (withdrawn)	20 May 2021
6	Metropolitan Police representation (withdrawn)	17 May 2021
7	Representation 1	6 May 2021
8	Representation 2	5 May 2021
9	Representation 3	11 May 2021
10	Representation 4	11 May 2021
11	Representation 5	12 May 2021
12	Representation 6	17 May 2021
13	Representation 7	18 May 2021
14	Representation 8 (withdrawn)	20 May 2021





- KIOSK
- CONCRETE UMBRELLA BASE
- GLASS SCREENS
- COLUMNS/STRUCTURE

NOTES

- 1. All work shall conform to the applicable codes and standards.
- 2. The contractor shall be responsible for obtaining all necessary permits.
- 3. The contractor shall be responsible for coordinating with all other trades.
- 4. The contractor shall be responsible for maintaining access to all areas.
- 5. The contractor shall be responsible for protecting all existing work.
- 6. The contractor shall be responsible for maintaining safety at all times.
- 7. The contractor shall be responsible for maintaining a clean work area.
- 8. The contractor shall be responsible for maintaining accurate records.
- 9. The contractor shall be responsible for maintaining communication.
- 10. The contractor shall be responsible for maintaining quality control.

Rev. Date Description

01/15/2024 Initial

02/15/2024 Revise

03/15/2024 Revise

04/15/2024 Revise

05/15/2024 Revise

06/15/2024 Revise

07/15/2024 Revise

08/15/2024 Revise

09/15/2024 Revise

10/15/2024 Revise

11/15/2024 Revise

12/15/2024 Revise

01/15/2025 Revise

02/15/2025 Revise

03/15/2025 Revise

04/15/2025 Revise

05/15/2025 Revise

06/15/2025 Revise

07/15/2025 Revise

08/15/2025 Revise

09/15/2025 Revise

10/15/2025 Revise

11/15/2025 Revise

12/15/2025 Revise

01/15/2026 Revise

02/15/2026 Revise

03/15/2026 Revise

04/15/2026 Revise

05/15/2026 Revise

06/15/2026 Revise

07/15/2026 Revise

08/15/2026 Revise

09/15/2026 Revise

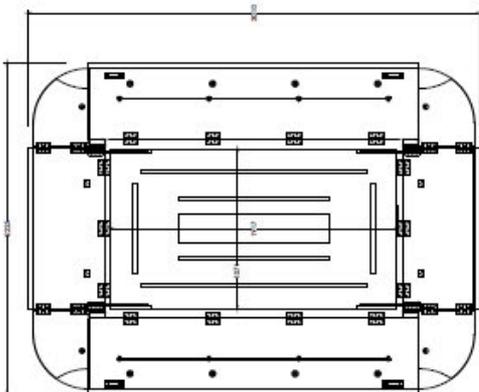
10/15/2026 Revise

11/15/2026 Revise

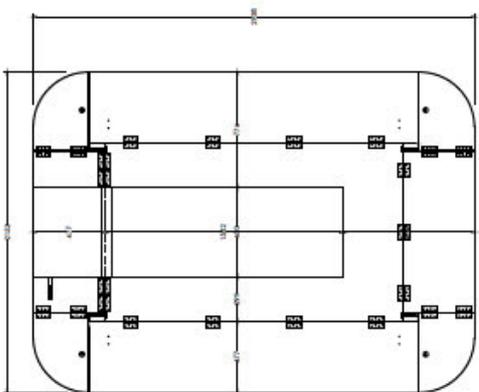
12/15/2026 Revise

01/15/2027 Revise

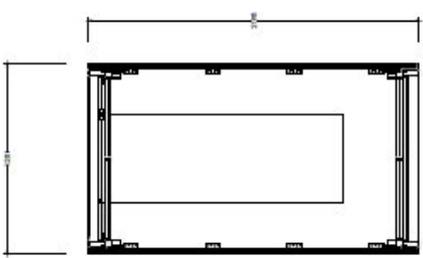
02/15/2027 Revise



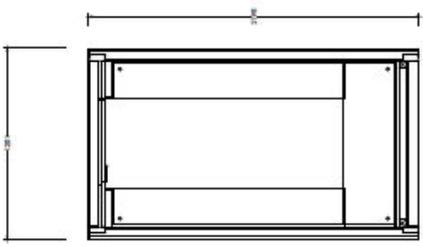
04 Large Banquet Ceiling (Open)



05 Large Banquet Upper Plan (Open)



06 Large Banquet Upper Plan (Closed)



07 Large Banquet Lower Plan





Temporary event notice history

<u>Application reference</u>	<u>Application description</u>	<u>Decision</u>	<u>Date of Event</u>
20/06182/LITENP	Temporary event notice	Event to proceed	30 July 2020 to 4 August 2020
20/07386/LITENP	Temporary event notice	Event to proceed	2 September 2020 to 5 September 2020
20/07387/LITENP	Temporary event notice	Event to proceed	9 September 2020 to 12 September 2020
20/07390/LITENP	Temporary event notice	Event to proceed	16 September 2020 to 19 September 2020
20/07391/LITENP	Temporary event notice	Event to proceed	23 September 2020 to 26 September 2020
21/02927/LITENP	Temporary event notice	Event to proceed	12 April 2021 to 18 April 2021
21/03114/LITENP	Temporary event notice	Event to proceed	20 April 2021 to 25 April 2021
21/03129/LITENP	Temporary event notice	Event to proceed	27 April 2021 to 2 May 2021

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

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

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

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

Mandatory Conditions

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

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

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

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

Conditions consistent with the operating schedule

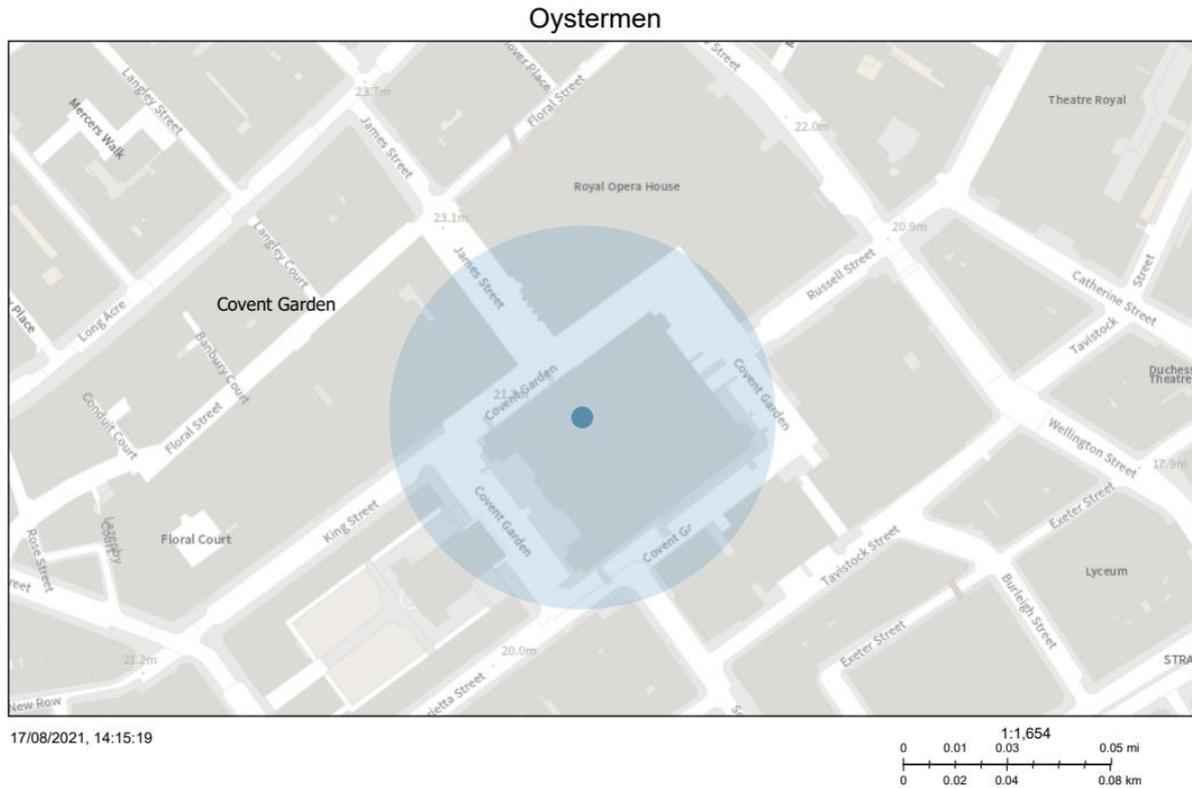
9. The consumption of alcohol on the premises shall only be by a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. 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.
12. 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.
13. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
18. 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.
19. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
20. 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.
21. There shall be no sales of alcohol for consumption off the premises after 21:00 other than in sealed containers, which are not intended to be readily consumed in the immediate vicinity of the premises.

22. No drinks shall be served in glass containers for consumption off the premises unless in sealed containers, which are not intended to be readily consumed in the immediate vicinity of the premises.
23. The supply of alcohol on the premises shall be by waiter or waitress service only.
24. Off-sales in non-sealed containers shall be limited to 30 September 2022 and only until 21:00 on any day.
25. The number of alcohol drinks for consumption off the premises purchased by any person at any one time shall be limited to four.
26. Free toilets are to be made available and the details of such advertised at the premises.
27. No seating shall be placed within the area hatched black on the plan whilst the Apple Market remains open to customers.

Conditions proposed by the Licensing Authority

28. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.



Resident count = 18

Licensed premises within 75m of Oystermen, Kiosk at Apple Market, North Hall, Market Building, WC2E 8RD

<u>Licence Number</u>	<u>Trading Name</u>	<u>Address</u>	<u>Premises Type</u>	<u>Time Period</u>
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
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
19/03565/LIPDPS	The Crusting Pipe	27 The Market Covent Garden London WC2E 8RD	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30

18/15095/LIPT	Vini Italiani Wine Cafe	33 The Market Covent Garden London WC2E 8RE	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
21/04658/LIPDPS	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
21/03477/LIPCH	Hooray's	Unit 18 And Unit 19 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE	Restaurant	Monday; 10:00 - 21:00 Tuesday; 10:00 - 21:00 Wednesday; 10:00 - 21:00 Thursday; 10:00 - 21:00 Friday; 10:00 - 21:00 Saturday; 10:00 - 21:00 Sunday; 10:00 - 21:00
18/12484/LIPDPS	Not Recorded	32 The Market Covent Garden London WC2E 8RE	Restaurant	Sunday; 08:00 - 23:00 Tuesday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30
12/01629/LIPDPS	Battersea Pie Station	28 The Market Covent Garden London WC2E 8RE	Restaurant	Monday to Sunday; 09:00 - 20:00
21/00174/LIPV	Sushi Samba Covent Garden	35 The Market Covent Garden London WC2E 8RF	Restaurant	Sunday; 07:00 - 23:30 Monday to Thursday; 07:00 - 00:45 Friday to Saturday; 07:00 - 01:00 Sundays before Bank Holidays; 07:00 - 01:15

16/05916/LIPN	Aubaine	22 The Market Covent Garden London WC2E 8RD	Shop	Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 23:30
20/07176/LIPDPS	21	21 The Market Covent Garden London	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 09:00 - 02:30
20/04163/LIPN	Not Recorded	26 - 49 The Market Covent Garden London WC2E 8RE	Cafe	Monday to Sunday; 07:00 - 00:00
20/09028/LIPDPS	Le Pain Quotidien (48)	26 - 49 The Market Covent Garden London WC2E 8RE	Cafe	Monday to Sunday; 07:00 - 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
21/04054/LIPDPS	Hotel Chocolat	10 The Market Covent Garden London WC2E 8RA	Shop	Not Recorded; XXXX - XXXX
19/11336/LIPDPS	Whittard Of Chelsea	18 The Market Covent Garden London WC2E 8RB	Restaurant	Monday to Sunday; 09:00 - 22:00

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	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 23:30
20/06670/LIPDPS	Laduree	1 The Market Covent Garden London WC2E 8RA	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:00
15/07111/LIPN	Morelli's Gelato CG Ltd	20A The Market Covent Garden London WC2E 8RB	Cafe	Monday to Sunday; 07:00 - 23:30
20/07091/LIPT	The Roadhouse	Basement 35 The Piazza Covent Garden London WC2E 8BE	Restaurant	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 03:30
17/06988/LIPV	Chez Antoinette	The Piazza Covent Garden London	Not Recorded	Monday to Sunday; 11:00 - 23:00
17/06018/LIPN	Not Recorded	Basement 35 The Piazza Covent Garden London WC2E 8BE	Restaurant	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 03:30
19/04643/PREAPM	Not Recorded	Basement 35 The Piazza Covent Garden London WC2E 8BE	Not Recorded	
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

10/05496/LIPN	Hola Paella	28B The Piazza Covent Garden London WC2E 8RD	Restaurant	Sunday; 09:00 - 22:30 Monday to Saturday; 09:00 - 23:00
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
21/07218/LIPDPS	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
16/10733/LIPN	Creme De La Crepe	29 The Market Covent Garden London WC2E 8RE	Not Recorded	Monday to Sunday; 11:00 - 23:00
20/04167/LIPN	Not Recorded	8-9 James Street Covent Garden London WC2E 8BH	Restaurant	Sunday; 08:00 - 01:00 Monday to Saturday; 08:00 - 01:30
20/09391/LIPDPS	Wahlburgers	8-9 James Street Covent Garden London WC2E 8BH	Restaurant	Sunday; 08:00 - 01:00 Monday to Saturday; 08:00 - 01:30

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

Agenda Item 2.

Item No:	
Date:	02 September 2021
Licensing Ref No:	21/02796/LIPV - Premises Licence Variation
Title of Report:	Flat White 17 Berwick Street London W1F 0PT
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss 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:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	31 March 2021		
Applicant:	Flat White Limited		
Premises:	Flat White		
Premises address:	17 Berwick Street London W1F 0PT	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	The premises currently operates as a Café.		
Variation description:	<p>The application seeks the following:</p> <ul style="list-style-type: none"> • To extend the hours for licensable activities to core hours • To add Late Night Refreshment • To permit the use of the bar until 21:00 • To add off sales of alcohol • To remove condition 25 and 26 • To amend condition 22, 27 and 28 		
Premises licence history:	The premises has had the benefit of a premises licence since 2013. The current premises licence 13/07127/LIPN is attached at Appendix 3 of this report along with full licence history.		
Applicant submissions:	There are no submissions from the applicant.		
Applicant amendments:	The applicant has agreed amended conditions with Environmental Health as set out below at 1-D.		

1-B	Current and proposed licensable activities, areas and hours					
Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			N/A		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	N/A	N/A	23:00	23:30	N/A	Ground Floor
Tuesday	N/A	N/A	23:00	23:30		
Wednesday	N/A	N/A	23:00	23:30		
Thursday	N/A	N/A	23:00	23:30		
Friday	N/A	N/A	23:00	00:00		
Saturday	N/A	N/A	23:00	00:00		
Sunday	N/A	N/A	N/A	N/A		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		N/A			Sundays before bank holidays: 23:00 - 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On Sales		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	12:00	21:30	10:00	23:30	Ground Floor	No change
Tuesday	12:00	21:30	10:00	23:30		
Wednesday	12:00	21:30	10:00	23:30		
Thursday	12:00	21:30	10:00	23:30		
Friday	12:00	21:30	10:00	00:00		
Saturday	12:00	21:30	10:00	00:00		
Sunday	12:00	21:30	12:00	22:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Sundays before Bank Holidays 12:00 to 22:30.			Sundays before bank holidays: 10:00 - 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	22:00	08:00	23:30	Ground Floor	No change
Tuesday	08:00	22:00	08:00	23:30		
Wednesday	08:00	22:00	08:00	23:30		
Thursday	08:00	22:00	08:00	23:30		
Friday	08:00	22:00	08:00	00:00		
Saturday	09:00	22:00	08:00	00:00		
Sunday	09:00	22:00	08:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays 12:00 to 23:00				Sundays before bank holidays: 08:00 - 00:00 From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

1-C	Conditions proposed to be removed
	<p>Condition 25</p> <p>25. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.</p> <p>Condition 26</p> <p>26. The Licence will have no effect until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.</p>

1-D	Conditions being varied	
Condition	Proposed variation	
<p>22. There shall be no off sales of alcohol.</p>	<p>22. Save for customers seated in an external area, off-sales of alcohol shall be in sealed containers only.</p> <p>The applicant has agreed an alternative wording for condition 22 with Environmental Health as follows:</p> <p>22. There shall be no 'Off' sales of alcohol after 23.00 hours Monday to Saturday.</p>	
<p>27. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.</p>	<p>27. After 21:00 hours the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as an ancillary to their meal.</p> <p>The applicant has agreed an alternative wording for condition 27 with Environmental Health as follows:</p> <p>27. After 21:00 hours the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as an ancillary to their meal and served by waiter/waitress service.</p>	
<p>28. The supply of alcohol shall be by waiter or waitress service only.</p>	<p>28. After 21:00 hours the supply of alcohol shall only be by waiter/waitress service to persons seated.</p> <p>The applicant has agreed an alternative wording for condition 28 with Environmental Health as follows:</p> <p>28. Before 21:00 hours the supply of alcohol shall only be by waiter/waitress service to persons seated.</p>	

2. Representations

2-A	Responsible Authorities
Responsible Authority:	Environmental Health Service (<i>Withdrawn 22 June 2021</i>)
Representative:	Ian Watson
Received:	27 April 2021

I refer to the application for variation of the Premises Licence.

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

The applicant has submitted floor plans of the premises.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday between 10.00 and 23.30 hours, Friday and Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. Sunday before Bank holiday 10.00 to 00.00 hours. New Year's Eve to New Year's Day.
2. To provide Late Night Refreshment 'Indoors' Monday to Thursday between 23.00 and 23.30 hours, Friday and Saturday between 23.00 and 00.00 hours. Sunday before Bank holiday 23.00 to 00.00 hours. New Year's Eve to New Year's Day.
3. Remove conditions 22, 25 and 26.
4. To amend condition 27 to state,
 - After 21:00 hours the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as an ancillary to their meal.
5. To amend condition 28 to state,
 - After 21:00 hours the supply of alcohol shall only be by waiter/waitress service to persons seated.
6. Replace condition 22 with,
 - Save for customers seated in an external area, off-sales of alcohol shall be in sealed containers only.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CIZ.
2. The hours requested to permit the provision of Late-Night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the

- West End CIZ.
3. No representation.
 4. The change of condition will impact on prevention of public nuisance within the West End CIZ.
 5. The change of condition will impact on prevention of public nuisance within the West End CIZ.
 6. No representation.

The applicant has provided additional information with the application which is being addressed. Should you wish to discuss the matter further please do not hesitate to contact me.

Following an agreement of conditions with the applicant the Environmental Health Service withdrew their representation on 22 June 2021.

Responsible Authority:	Licensing Authority
Representative:	Kevin Jackaman
Received:	27 April 2021

I write in relation to the application submitted for a variation of the premises licence for Flat White, 17 Berwick Street, London, W1F 0PT

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:

1. To extend the hours for the sales of alcohol to 23:30 Monday to Thursday, 00:00 Friday and Saturday and 22:30 Sunday
2. Add late night from 23:00 to 23:30 Monday to Thursday and 23:00 to 00:00 Friday and Saturday
3. Amend conditions 27 and 28 of the current premises licence to permit the sale of alcohol without food and the remove the requirement of waiter/waitress service before 21:00
4. Add off sales of alcohol

The premises are located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1 and PB1.

Policy CIP1 states:

A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:

1. Vary the hours within Core Hours under Policy HRS1, and/or
2. Vary the licence to reduce the overall capacity of the premises.

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.

D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.

Policy PB1(B) states:

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

Notwithstanding that the application is only seeking to extend the hours within core hours, The Licensing Authority has concerns that the removal of the ancillary nature of the sale of alcohol before 21:00 will result in the premises becoming a bar therefore the impact in the cumulative impact area 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:

- Why the variation is sought and will it result in a change in operating style
- How does the applicant intend to operate before 21:00?

It is also noted that the applicant has applied to add off sales from the premises. It is noted that the applicant has proposed a condition that "Save for customers seated in an external area, off-sales of alcohol shall be in sealed containers only. The Licensing Authority would seek further submission on how off sales will be operated from the premises?"

The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1 and PB1.

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

Please accept this as a formal representation.

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	28 April 2021		
We write to make a relevant representation to the above application on behalf of T [REDACTED] [REDACTED]			
[REDACTED] objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area.			
About [REDACTED] [REDACTED] is a charitable company limited by guarantee established in 1972. [REDACTED] is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its			

facilities, amenities and environment. In particular, [REDACTED] supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

Application summary

Premises variation

Sale of alcohol: Mon-Thurs: 10:00 - 23:30. **Fri-Sat:** 10:00 - 00:00. **Sun:** 12:00 - 22:30

Late night refreshment: Mon-Thurs: 23:00 - 23:30. **Fri-Sat:** 23:00 - 00:00

Opening hours: Mon-Thurs: 08:00 - 23:30. **Fri-Sat:** 10:00 - 00:00. **Sun:** 08:00 - 22:30

Additional information:

- Extension of licensable activities to core hours
- To add late night refreshment
- Permit bar use until 21:00 and amend conditions accordingly
- Add off sales
- Remove conditions 22, 25, 26.

Current licence

Sale of alcohol: Mon-Sun: 12:00 - 21:30

Opening hours: Mon-Fri: 08:00 - 22:00. **Sat-Sun:** 09:00 - 22:00

Capacity: 30 (including staff)

Conditions: 9. Substantial food and non-intoxicating beverages including drinking water, shall be available in all parts of the premises where alcohol is sold

Condition 24. Outside table and chairs shall be rendered unusable by 22:00 each day

Condition 27. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

[REDACTED] Position

- **The application:** seeks to extend to core hours, permit bar use until 21:00hrs, off sales and late night refreshment. The Operating Schedule provides very little detail of the operation, it fails to put forward a reason for this change of use or offer any additional conditions to address the impact of creating a new bar in the West End Cumulative Impact Zone. Flat White is a standard cafe, and according to their website its main focus is coffee. It also provides food in the form of all day breakfast, sandwiches, bagels, pastries. The application for the current licence 13/07127/LIPN received representations from local residents and the decision of the Licensing Sub-Committee on 14th November 2013 noted some important points. The applicant had agreed conditions with environmental health that ensured the premises would be operated as a restaurant (with a capacity of 30) and the operation would not be drink led. The licence was granted on this basis, however, these premises are not operating as a restaurant. **We object to the proposed bar use until 21:00hrs and off sales. The applicant has not provided a reason for turning this cafe into a bar from 10:00 to 21:00, a total of 11 hours which becomes the predominant use, cafe use being reduced to 1.5hrs (Sun), 2.5hrs Mon-Thurs) and 3hrs (Fri-Sat) respectively.** The nature of a cafe is fundamentally different to the characteristics of a bar as highlighted in the Cumulative Impact Assessment 2020, the use being associated with high levels of crime and disorder.
- **Soho and COVID:** [REDACTED] fully recognises the financial difficulties all businesses have suffered over the past year and we have generally been supportive of measures to help local businesses recover. However, the year on year increase in licensed premises has resulted in a deterioration and reduction in residential amenity. Protecting residential amenity is the key aim of the Licensing Objectives. This is supported by the new Statement of Licensing Policy 2021 which states in its Foreword to Policy Section, 'The licensing authorities proposed revisions to the statement of licensing policy will enable the hospitality and entertainment sectors to plan for the short and medium term, whilst maintaining the necessary protection for our residents and promoting the licensing objectives as a whole.'

- Soho has quickly recovered to pre-COVID times. The success of the AI Fresco scheme in 2020 has been replicated with even more people coming into Soho since the recent reopening on the 12 April. Photographs following the re-opening can testify to the huge numbers of people eating and drinking on the streets (Appendix 1&2). Chaos ensued, there being a complete lack of social distancing with large numbers queuing (not distanced) for tables which were tightly packed together, others were wandering around vertically drinking with alcohol sold from bars and shops. It cannot be said Soho is suffering from low footfall. This situation will deteriorate further when hospitality and entertainment venues open up in May and June with premises being able to open to their full licensing hours. The experience of that weekend resulted in the Police authorising a Section 35 Dispersal Order in Soho and the Strand, 'A section 35 dispersal has been authorised from 13:00 hours the 24 April 2021 until 07:00 hours the 26 April 2021 by Insp Jackson. The areas affected are essentially the area of Soho and the Strand. This is due to an increase in antisocial behaviour connected with licensed premises over recent weeks. This has come in the form of intoxicated groups urinating in the street, staging street party style gatherings. Other linked groups are targeting visitors with fraudulent activity, stealing from or otherwise harassment.'
- Overall the 2020 AI Fresco scheme had a negative impact on residents who reported a significant increase in noise and general disturbance. A recent survey by ██████████ asking residents about their experience of this scheme highlighted issues with street noise disturbing sleep, and some saying they were considering moving out of Soho, the full survey results can be found in Appendix 3. The high level of cumulative impact described within the Cumulative Impact Assessment 2020 will swiftly return with people flocking to Soho in an attempt to return to a normal life. The impact on residents will be huge, any applications which aim to increase alcohol consumption will increase cumulative impact and harm and the Licensing Objectives.
- **Evening and night time economy;** Soho is at the forefront of the evening and night time economy in Westminster with its numerous restaurants, bars and entertainment establishments. The area is densely populated at night with people out on the streets, resulting in high levels of noise / disturbance, crime and disorder and antisocial behaviour. In this small section of Berwick St there are 7 licensed premises a mix of restaurants, cafes and a pub, apart from the pub, all sell alcohol in conjunction with food. After midnight Soho is saturated with late night premises, **01:00 - 03:00 there are 107 licensed premises, capacity information being available for 91 premises gives a total of 18,305. Of the 107, 59 premises hold a 1am licence, with a capacity of 9,104 for 44 premises.**

Statement of Licensing Policy 2021

This application seeks to extend the licensable activity within the West End Cumulative Impact Zone. As presented it is contrary to the Pubs & Bars Policy PB1, and Cumulative Impact Policy CIP1

- **Public Houses and Bars Policy PB1;** it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than, '1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, 2. Applications to seek to vary the existing licence so as to reduce the overall capacity of the premises.' Although the policy states an exception may be permitted to applications no later than 9pm and if they meet other policies in the statement which include CD1 and PN1. It goes on, under the reasons for this policy, F80 states, '.... Premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder.' The Council's own policy clearly highlights the negative impact of bars and pubs on residents. In our view there is no exception in this case, it will fail to promote the licensing objectives CD1 and PN1 and should be rejected on these grounds.

- **Cumulative Impact Policy CIP1**; this area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Cumulative Impact Assessment 2020 highlights the cumulative impact in West End Zone 1 (p9) stating, '**The rate of incidents per square kilometre observed here, as well as the rate of licensed premises per square kilometre, was approximately nine times than the borough's average rate. For crimes in particular, the rate was 10 -13 times higher between 6pm - 6am compared to the borough average.**' (our emphasis). It also highlights the impact of bars in an area, F82 stating, 'among specific premises types assessed within the CIA, pubs and bars were one of the top licensed premises operation types that were most significantly aligned with incidents in their proximity.' Furthermore, in relation to off sales, OS1 states the application has to show it will not add to cumulative impact in the West End Cumulative Impact Zone.
- The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). The policy provides an assumption to refuse pubs and bars, music and dance venues and fast food premises, the policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (D.11 of the policy). The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and wellbeing of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area. As described above Soho is now open for business and thriving, we have no doubt that cumulative impact will quickly return to pre-COVID levels which is significantly higher than any other area in Westminster. The evidence presented in the Cumulative Impact Assessment 2020 supported further policy restrictions in the West End, however, the impact of COVID-19 has resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but this may change.
- We have provided information on the number of licenses in Soho and the impact on residents since the reopening of the hospitality sector in Apr, coupled with the evidence we provide under the licensing objectives all indicate refusal of this application unless the applicant can demonstrate genuinely exceptional circumstances, in our view the applicant has failed to present a case demonstrating exceptional circumstances and therefore the application should be refused.

The Licensing Objectives

The Statement of Licensing Policy 2021 or Section 182 Guidance does not provide for any circumstance, including exceptional or otherwise, which would permit an application to be granted if the licensing objectives were harmed. We now consider the impact of this application on these objectives.

Prevention of Crime and Disorder - CD1

Under this Policy the criteria applied is, 'whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.'

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, **it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.** It goes on to detail the number and types of crimes in the West End,

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.
- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). **Robberies Night, 2237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1529 (40%).** Noise Complaints Night, 1389 (16%). Reactive Waste Management, 6630 (10%). Ambulance call outs to locations of licensed premises, 5353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9662 (16%). **Total = 50,594.**
- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** the most common crime type in the borough and in the evening and night this is particularly concentrated in the West End and along Oxford Street.

For residents living in Soho, the findings of the Cumulative Impact Assessment are unsurprising, Soho transforms in the evening and night-time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above criminal activity associated with the large number of venues and the numbers of people on the streets results in high levels of serious crime. Drug dealing is a particular problem, with groups of dealers congregating to sell drugs, and they specifically target people as they leave premises. There are more dealers in the area at night than during the day. We believe this is directly linked to the large number of late night venues which create the drug market.

This application if successful will increase only crime and disorder and fail to promote this licensing objective.

Prevention of Public Nuisance Policy PN1

Under this Policy the criteria applied states, 'the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'

Residents live in close proximity and along the length of Berwick Street, we know they already suffer from noise nuisance, disturbance and anti-social behaviour from premises along this street. We are particularly concerned that these residents will be further disturbed by people being able to drink for prolonged periods either inside or outside these premises.

In summary

The application proposes to create a new bar until 9pm, provide off sales and extend the existing

licensed hours to core hours in a small area with 7 other similar premises, in close proximity to residents and in the West End Cumulative Impact Zone. The West End has suffered year-on-year increases in cumulative impact, the rate of crime is 10-13 times higher between 6pm - 6am compared to the borough average.

As evidenced throughout this representation the application fails all policy tests and will fail to promote the Licensing Objectives. We respectfully request this application is refused.

Please do not hesitate to contact us if you require any further information.

Yours faithfully,

[REDACTED]
[REDACTED]

Appendices

Appendix 1: Photographs Berwick St 12th & 23rd April

Appendix 2: Photographs Old Compton St 17th April

Appendix 3: Soho Residents' Survey

Appendix 1: Photographs Berwick St 12th April 18:00hrs & 23rd at 20:00hrs







Appendix 2: Old Compton St 17th April 20:50hrs

Appendix 3 : Soho Residents' Survey March 2021



Residents' Survey

Key Points from AI Fresco Survey in 2021

The survey ran from 1 March 2021 until 29 March 2021 and asked Soho residents about their experience of the AI Fresco dining scheme in 2020. An invitation to complete the survey was sent to 1,929 people - members of the Society and all subscribers to the Society's newsletter - on 1 March 2021.

133 residents responded with 72 saying that they lived on a street that was closed under the scheme in 2020. Responses suggested that many respondents were long term Soho residents. On average the respondents had lived in Soho for around 15 years. 15 respondents have lived in Soho for more than 30 years.

57 were long leasehold or freehold owners and 70 were tenants of which 24 were Soho Housing Association tenants.

28 respondents said they had children under 18 living with them in the household some or all of the time.

19 respondents on closed streets had children under 18 living with them some or all of the time.

When asked to think back on their experience of AI Fresco 2020

- 10 reported that the street noise woke their children
- 38 reported they were commonly unable to sleep, get to sleep or had their sleep disturbed
- 26 that they had problems working at home because of the noise
- 109 reported access problems on foot or by car
- 36 reported that they didn't feel safe in the street where they lived because of the crowds and the police losing control of the situation
- 62 reported they didn't feel safe because there was no social distancing
- 48 reported they didn't go out because of the scheme
- 44 reported that as a resident they were considering moving out of Soho because of this scheme - late night noise makes it impossible to live here any more

The AL Fresco Scheme for Soho in 2021 will see the same streets closed from 12 April 2021 to 30 September 2021 and will likely have a greater adverse impact on residents as the end time will be 11pm not 10pm as happened when the curfew was in effect last year. Also there is a risk of more drunken behaviour as there will be no requirement to serve a meal with the alcohol service.

29 March 2021

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	28 April 2021		

I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).

I am a resident of Soho [REDACTED]. I appreciate Flat White for being a wonderful refuge.

The service is wonderful, they provide the best coffee with respect, kindness and a covid safe approach.

Extending their trading and licensing hours would be beneficial for Berwick Street and create a safer night time economy. The closure of business makes it unsafe to walk about Soho and the more we have a night economy, the better the streets become.

We're really happy to have Flat White so close by and feel that it will play a big part in the return of Soho's buzzing charm.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Support
Received:	06 April 2021		

[REDACTED]

We have been at this address for 6years.

I am very familiar with Flat White, being both local and indeed as a customer.

Flat White is one of those businesses which is integral to the local community. Adding to our safety

a valuable continuity of knowledge and good practise. Creating an unchallenged and unrivalled customer experience, of quality, in an ambient and a safe, attractive place to meet up and, on occasions work.

When I heard there's a chance, I could go for a glass of wine or something to eat, I relished the chance. This will be helpful to both me and others. I believe the local area is missing some smaller sized places, that can cater for locals, who want something a bit special, but without the commotion of most of the drinking establishments. I trust from their history it will be interesting, and cater to a quality experience.

I very much hope you will grant the application.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Support
Received:	28 April 2021		

Firstly just wanted to say a good morning to you & your office. I'm emailing you today with regards to Flat White's licensing application (Ref21/02796/LIPV)

I've been a regular of flat white for the past ten years or so & it's my first port of call when arriving in soho for my daily dose of caffeine & even better when I can have a few drinks in the evening with the new licensing this place for me is one of the many reasons why I visit soho on a daily basis, the fantastic coffee, cakes, sandwiches & amazing team of friendly staff that makes it one of my favourite destinations in W1. It's been sorely missed by many within the community & that is why I just wanted to say that I sincerely hope you can extend the trading & licensing hours by approving the application.

Berwick st has started to bring some much needed life & atmosphere back to soho since the COVID restrictions have been eased with Flat white being an integral part in the resurgence of people visiting Berwick & all the while creating a safe space, following COVID protocols etc allowing us visit one of our favourite spots again

I look forward to seeing soho return to its former glory whilst sitting outside flat white sipping on a beverage or two

Thank you

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Support
Received:	24 April 2021		

I would like to make a representation regarding the licence application with reference number: Ref21/02796/LIPV

[REDACTED] of the business, [REDACTED]
[REDACTED] Flat White is a business that is greatly loved by me and lots of other Soho locals and it would be great for Berwick Street if Flat White had an extended licence to serve drinks and snacks

in the evenings.

I come to the shop daily and it provides a great and safe environment, with lovely staff and management - they are just all around great people.

I'm all for the extension of the hours of operation for Flat White - even though I'm directly impacted by it, there are no concerns around noise from my side. Living in Soho is all about the atmosphere and everyone who moves here should be aware of this.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Support
Received:	08 April 2021		

I work in St. Anne's Court in Soho and am very familiar with Flat White, being both a local worker and indeed a regular daily customer.

Flat White is one of those businesses which is integral to the local community creating an unchallenged and unrivalled customer experience, quality, ambience and a safe and attractive place to meet up.

Feeling safe and somewhere I could go for a glass of wine or something to eat would be very attractive and helpful to both me and others.

I hope you will grant the application.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED]		
Status:	Valid	In support or opposed:	Support
Received:	26 April 2021		

I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).

My partner and I are residents of Soho [REDACTED]
Flat White is a staple for the area and apart from having a wonderful coffee and food service, they provide these services with respect, kindness and a covid safe approach.

Extending their trading and licensing hours would be beneficial for Berwick Street and to those who have the pleasure of experiencing their fantastic hospitality.

We're really happy to have Flat White so close by and feel that it will play a big part in the return of Soho's buzzing charm.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	27 April 2021		
<p>I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).</p> <p>My wife and I are residents and workers of Soho [REDACTED] [REDACTED]</p> <p>Flat White is a staple business for Soho and apart from having an amazing coffee and food service, they provide these services with the upmost top customer service and, and a covid safe approach. They are my go to first thing in the morning, and when I'm walking home, and without them I honestly would be lost!</p> <p>Extending their trading and licensing hours would be beneficial for Berwick Street and to people like us who live and work in the area, and who have the pleasure of experiencing their exceptional hospitality.</p> <p>We're both super happy and privileged to have Flat White so close to us, and and feel that it will play a huge role in the return of Soho's charming and exciting vibe going forward.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	27 April 2021		
<p>I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).</p> <p>I run my own business in Soho and Flatwhite respect has been my local cafe for the past 10 years. They operate always with kindness and respect for the customers and area</p> <p>Extending their trading and licensing hours would be beneficial for Berwick Street and Soho.</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	27 April 2021		
<p>To whom it may concern...</p> <p>I'm writing in support of Flat White wishing to extend their trading and licensing hours...</p> <p>My Partner and I [REDACTED] and we think that as well as serving delicious coffee and food, Flat White is very much the beating heart of Berwick St and the whole of Soho!...</p> <p>The staff are friendly and polite and having such a wonderful cafe right on our doorstep is a dream!!...</p> <p>Best wishes...</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	27 April 2021		
<p>I am writing to you in regards to the licensing application of Flat White, 17 Berwick Street, Soho (Ref21/02796/LIPV).</p> <p>[REDACTED] and I have been a regular customer to flat white for many years. I am also a director of [REDACTED], working with the community to help preserve Soho and work for what is the best of the neighbourhood and its businesses.</p> <p>Flat White is a staple for the area and apart from having a wonderful coffee and food service, they provide these services with respect, kindness and a covid safe approach. Laura is a perfect example of what we need more of in Soho, running the independent businesses and building back stronger.</p> <p>Extending their trading and licensing hours would be beneficial for Berwick Street and to those who have the pleasure of experiencing their fantastic hospitality and would ensure their survival in these difficult times. Please let me know how I can help to achieve Flat White's goals</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</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 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 premises use policies within this statement.</p>
Policy HRS1 applies	<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.

	<p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: 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. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: 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. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: 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. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to
--	---

	<p>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 (B) applies</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.

4. Equality Implications

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

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

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

5. Appendices

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

Report author:	Miss 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

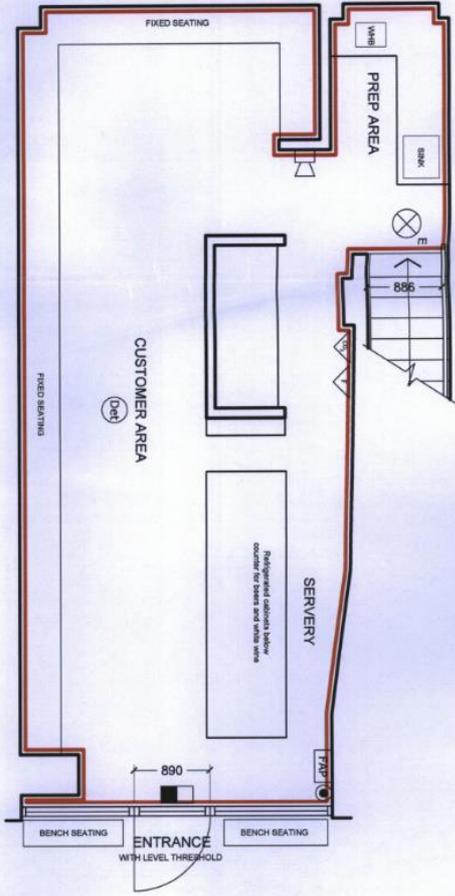
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service (<i>Withdrawn 22 June 2021</i>)	27 April 2021
5	The Licensing Authority	27 April 2021
6	Interested party 1	28 April 2021
7	Interested party 2	28 April 2021
8	Interested party 3	06 April 2021
9	Interested party 4	28 April 2021
10	Interested party 5	24 April 2021
11	Interested party 6	08 April 2021
12	Interested party 7	26 April 2021
13	Interested party 8	27 April 2021
14	Interested party 9	27 April 2021
15	Interested party 10	27 April 2021
16	Interested party 11	27 April 2021

PROPOSED PLANS

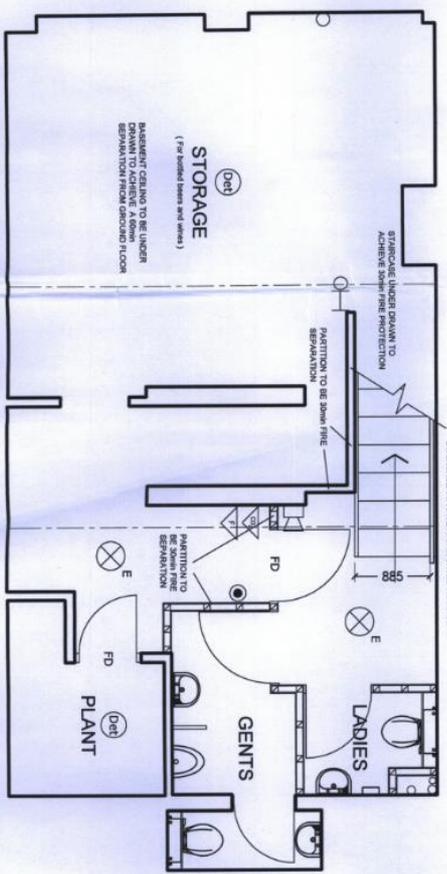
- FD Fire Rated Doorset
- FAP Fire Alarm Panel
- Det Automatic fire detector
- Manual Call Point
- Sounder
- Sounder Beacon
- Emergency light-fitting (Flourescent Downlight or luminaire)
- Emergency Exit Light c/w legend (directional)
- 9-litre water fire extinguisher
- DP Dry powder fire extinguisher
- CD Carbon Dioxide fire extinguisher
- F Foam fire extinguisher

RED LINE DENOTES AREA TO BE USED FOR THE SALE OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENTS

THE POSITION OF FIRE SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITION AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY



GROUND FLOOR PLAN



BASEMENT PLAN

JUNE 2013

PembrookDesign
 Sun1 House, Harcourt's Road, The Pinckney, Harlow, Essex, Ch9 5BN
 Tel: 0279 422000 Fax: 0279 422009

Project : **WHITE FLAG**
 17 BERWICK STREET, LONDON

Scale: 1:50 @A1
 Drawing Number: 2738-02
 Rev:

NOTE: CONTRACTORS ARE TO CHECK ALL SIZES AND DIMENSIONS BEFORE SETTING OUT ANY SITE OR BEFORE ANY BRICKS OR DISCREPANCIES TO BE REPORTED AND RESOLVED BY THE SITE SPECIFIC PROJECT DESIGNER/ BUILDER AND RESPECTIVE AGENTS

There are no submissions from the applicant.



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

Schedule 12
Part A

WARD: West End
UPRN: 100023471710

Premises licence

Regulation 33, 34

Premises licence
number:

13/07127/LIPN

Original Reference:

13/07127/LIPN

Part 1 – Premises details

Postal address of premises:

Flat White Limited
17 Berwick Street
London
W1F 0PT

Telephone Number: 0207 734 0370

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: 12:00 to 21:30
Sundays before Bank Holidays: 12:00 to 22:30

The opening hours of the premises:

Saturday to Sunday: 09:00 to 22:00
Monday to Friday: 08:00 to 22:00
Sundays before Bank Holidays: 09:00 to 23:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Flat White Limited
Level 4
53 Frith Street
Soho
London
W1D 4SN

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

05151870

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

Name: Mr Paul Brett Merrony

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: PERS-LIC687
Licensing Authority: London Borough Of Camden

Date: 20th January 2014



Signed: pp
Operational Director - Premises Management

Annex 1 – Mandatory conditions

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

None.

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

9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. All staff shall be trained with regard to the requirements relating to the sale of alcohol.
13. No draft beer shall be sold at the premises.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them, save for persons seated at the outside tables.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials including bottles, shall be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
20. Loudspeakers shall not be located in the entrance lobby the premises building.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regarding of Crime and Disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
22. There shall be no off sales of alcohol.

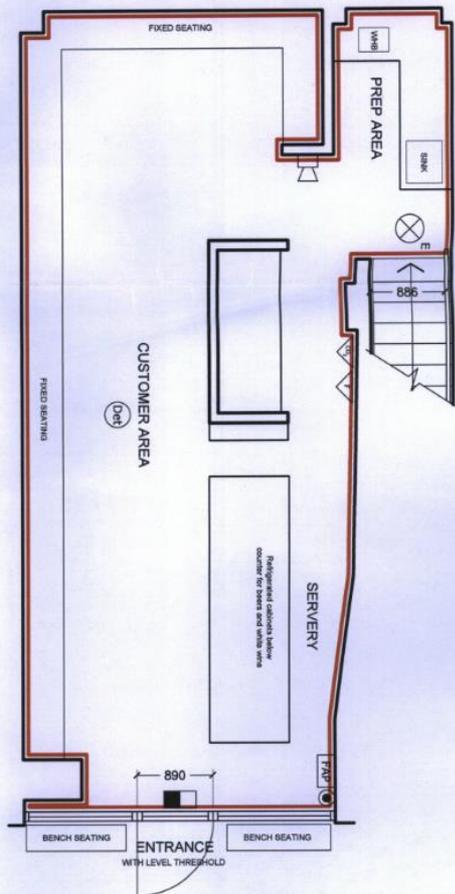
23. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
24. Outside tables and chairs shall be rendered unusable by 22.00 each day.
25. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.
26. The Licence will have no effect until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.
27. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
28. The supply of alcohol shall be by waiter or waitress service only.
29. The number of persons accommodated at the premises shall not exceed the following (including staff): 30
30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
31. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
32. 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.
33. The hours for sale of alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

PROPOSED PLANS

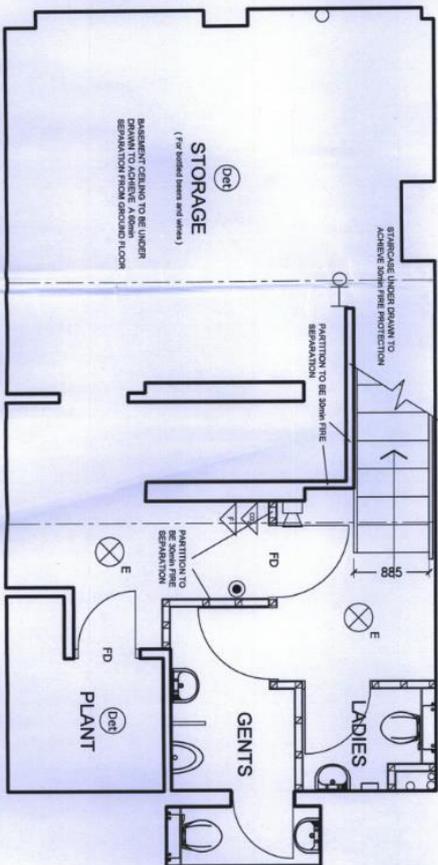
- FD Fire Rated Doorset
- FAP Fire Alarm Panel
- Det Automatic fire detector
- Manual Call Point
- Sounder
- Sounder Beacon
- Emergency light-fitting (Flourescent Downlight or luminaire)
- Emergency Exit Light C/W legend (directional)
- 9-litre water fire extinguisher
- Dry powder fire extinguisher
- Carbon Dioxide fire extinguisher
- Foam fire extinguisher

RED LINE DENOTES AREA TO BE USED FOR THE SALE OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENTS

THE POSITION OF FIRE SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR SUCH OTHER POSITION AS AGREED FROM TIME TO TIME IN CONSULTATION WITH THE FIRE AUTHORITY



GROUND FLOOR PLAN



BASEMENT PLAN

JUNE 2013

Pembrook Design

Sumit House, Harrogate's Road, The Pincodes, Harlow, Essex, CH25 5BN
Tel: 0278 422686 Fax: 0278 422689

Project :

WHITE FLAG
17 BERWICK STREET, LONDON

Scale:
1:50
@A1

Drawing Number:
2738-02

Rev:

NOTE: CONTRACTORS ARE TO CHECK ALL SIZES AND DIMENSIONS BEFORE SETTING OUT ANY SITE OR WORKING. ANY ERRORS OR DISCREPANCIES TO BE REPORTED AND RESOLVED BY THE SITE SPECIFIC PROJECT DESIGNER (BUILDER AND RESPECTIVE AGENTS).



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

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 100023471710

Regulation 33, 34

Premises licence
number:

13/07127/LIPN

Part 1 – Premises details

Postal address of premises:

Flat White Limited
17 Berwick Street
London
W1F 0PT

Telephone Number: 0207 734 0370

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:	12:00 to 21:30
Sundays before Bank Holidays:	12:00 to 22:30

The opening hours of the premises:

Saturday to Sunday:	09:00 to 22:00
Monday to Friday:	08:00 to 22:00
Sundays before Bank Holidays:	09:00 to 23:00

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

Alcohol is supplied for consumption on the Premises.

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

Flat White Limited
Level 4
53 Frith Street
Soho
London
W1D 4SN

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

05151870

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

Name: Mr Paul Brett Merrony

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

Restricted

Date: 20th January 2014

Signed: pp



Operational Director - Premises Management

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
13/07127/LIPN	New premises licence	14.11.2013	Granted by Licensing Sub-Committee
21/03912/LIPDPS	Application to vary the designated premises supervisor	06.07.2021	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.
4.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic

(other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on'
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that'
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures'
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. All staff shall be trained with regard to the requirements relating to the sale of alcohol.
13. No draft beer shall be sold at the premises.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. Patrons permitted to temporarily leave and re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them, save for persons seated at the outside tables.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials including bottles, shall be moved, removed or placed in outside areas between 23:00 and 08:00 hours.
20. Loudspeakers shall not be located in the entrance lobby the premises building.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regarding of Crime and Disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

22. There shall be no off sales of alcohol.

Environmental Health proposes an alternative wording to condition 22 which is agreed with the applicant so as to form part of the operating schedule.

22. There shall be no 'Off' sales of alcohol after 23.00 hours Monday to Saturday.

23. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.

24. Outside tables and chairs shall be rendered unusable by 22.00 each day.

25. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed.

Condition 25 is proposed to be removed from the operating schedule by the applicant.

26. The Licence will have no effect until the premises has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.

Condition 26 is proposed to be removed from the operating schedule by the applicant.

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

Environmental Health proposes an alternative wording to condition 27 which is agreed with the applicant so as to form part of the operating schedule.

27. After 21:00 hours the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as an ancillary to their meal and served by waiter/waitress service.

28. The supply of alcohol shall be by waiter or waitress service only.

Environmental Health proposes an alternative wording to condition 28 which is agreed with the applicant so as to form part of the operating schedule.

28. Before 21:00 hours the supply of alcohol shall only be by waiter/waitress service to persons seated.

29. The number of persons accommodated at the premises shall not exceed the following (including staff): 30

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

31. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

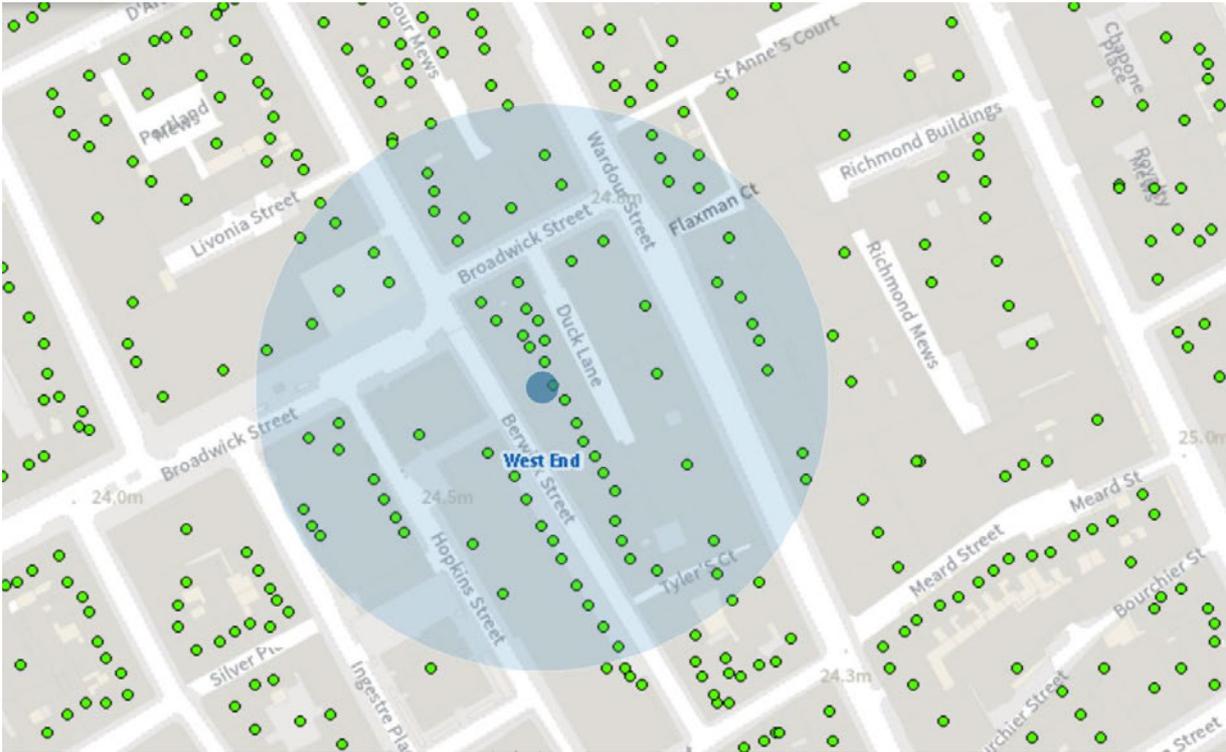
32. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
33. The hours for sale of alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

34. All 'Off' sales of alcohol shall be in sealed containers only save for 'Off' sales to persons seated in the external area adjacent to the premises.
35. Alcohol consumed outside the premises building shall only be consumed by persons seated at tables.

Conditions proposed by Metropolitan Police and agreed with the applicant so as to form part of the operating schedule.

36. On the Day of London Pride:-
 - i. The premises will not externally advertise local promotions of alcohol.
 - ii. Save for customers seated in the external area, no sales of alcohol in bottles or glass containers are made during this period.
 - iii. Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.



Resident Count: 76

Licensed premises within 75 metres of 17 Berwick Street, London, W1F 0PT				
Licence Number	Trading Name	Address	Premises Type	Time Period
13/07127/LIPN	Flat White Limited	17 Berwick Street London W1F 0PT	Cafe	Monday to Friday; 08:00 - 22:00 Saturday to Sunday; 09:00 - 22:00 Sundays before Bank Holidays; 09:00 - 23:00
21/04488/LIPDPS	Mediterranean Cafe	18 Berwick Street London W1F 0PU	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/04485/LIPDPS	Violets	Ground Floor 19 Berwick Street London W1F 0PX	Restaurant	Monday; 10:00 - 01:00 Tuesday; 10:00 - 01:00 Wednesday; 10:00 - 01:00 Thursday; 10:00 - 01:00 Friday; 10:00 - 01:00 Saturday; 11:00 - 01:00 Sunday; 12:00 - 00:00
15/04952/LIPN	Red Dog	Basement And Ground Floor 20 Berwick Street London W1F 0PY	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
20/00874/LIPCH	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Cafe	Sunday; 10:00 - 22:30 Monday to Wednesday; 07:00 - 23:30 Thursday to Saturday; 07:00 - 00:00 Sundays before Bank

				Holidays; 10:00 - 00:00
21/03872/LIPRW	Hub By Premier Inn	90 Berwick Street London	Hotel, 4+ star or major chain	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 00:00
15/06480/LIPN	Duck & Rice First Floor	90 Berwick Street London	Restaurant	Sunday; 12:00 - 01:30 Monday to Saturday; 10:00 - 01:30
20/00815/LIPCH	Duck & Rice	90 Berwick Street London	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
21/04250/LIPT	Blue Posts Public House	22 Berwick Street London W1F 0QA	Pub or pub restaurant with lodge	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
21/02545/LIPDPS	Princi	Basement And Ground Floor 135 - 139 Wardour Street London W1F 0UT	Restaurant	Monday to Sunday; 00:00 - 00:00
19/10308/LIPT	The Breakfast Club	11 Berwick Street London W1F 0PL	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
19/00566/LIPCH	Yauatcha	Basement And Ground Floor 15 - 17 Broadwick Street London W1F 0DA	Restaurant	Monday to Sunday; 08:00 - 01:00
11/00024/LIPDPS	Yauatcha	Basement 15 - 17 Broadwick Street London W1F 0DL	Restaurant	Sunday; 12:00 - 23:00 Sunday; 10:00 - 00:00 Monday to Saturday;

				10:00 - 23:30 Monday to Saturday; 08:00 - 01:00
19/06990/LIPN	Not Recorded	23 Berwick Street London W1F 8RB	Shop	Monday to Sunday; 07:00 - 22:00
21/04982/LIPCHD	Not Recorded	23 Berwick Street London W1F 8RB	Shop	Monday to Sunday; 07:00 - 22:00
19/06818/LIPCH	The Player	Basement 8 - 12 Broadwick Street London W1F 8HN	Night clubs and discos	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:30
20/08147/LIPT	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/03497/LIPN	Busaba (Shadow Licence)	108-110 Wardour Street London W1F 0JL	Restaurant	Friday to Saturday; 10:00 - 01:00 Sunday to Thursday; 10:00 - 00:30
19/11795/LIPDPS	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Restaurant	Sunday; 12:00 - 23:00 Monday to Wednesday; 09:00 - 02:30 Thursday to Saturday; 09:00 - 03:30
19/02509/LIREVP	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Not Recorded	
21/02792/LIPVM	Amathus	Hammer House 113- 117 Wardour Street London W1F 0UN	Shop	Monday; 08:00 - 23:00 Tuesday; 08:00 - 23:00 Wednesday; 08:00 - 23:00 Thursday; 08:00 - 23:00 Friday; 08:00 - 23:00 Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

19/10103/LIPN	Inkd	118-120 Wardour Street London W1F 0TU	Miscellaneous	Sunday; 10:00 - 21:00 Monday to Saturday; 09:00 - 22:00
18/07467/LIPDPS	Ivy Soho Brasserie	Amalco House 26 - 28 Broadwick Street London W1F 8JB	Restaurant	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30
17/06881/LIPN	Nespresso	Amalco House 26 - 28 Broadwick Street London W1F 8JB	Not Recorded	Sunday; 07:00 - 22:30 Monday to Saturday; 07:00 - 23:00
19/11661/LIPDPS	Temper	Former Trenchard House 19 - 25 Broadwick Street London	Restaurant	Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
20/10322/LIPCH	The Ship Public House	116 Wardour Street London W1F 0TT	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
20/08844/LIPT	Cote	Basement And Ground Floor 122- 126 Wardour Street London W1F 0TY	Restaurant	Sunday; 09:00 - 00:00 Monday to Thursday; 09:00 - 03:00 Friday to Saturday; 09:00 - 03:30
18/16244/LIPV	Tortilla	88 Wardour Street London W1F 0TH	Restaurant	Monday; 08:00 - 23:00 Tuesday; 08:00 - 23:00 Wednesday; 08:00 - 23:00 Thursday; 08:00 - 23:00 Friday; 08:00 -

				23:00 Saturday; 08:00 - 23:00 Sunday; 08:00 - 23:00
19/14296/LIPDPS	Tortilla	88 Wardour Street London W1F 0TH	Restaurant	Monday; 08:00 - 23:30 Tuesday; 08:00 - 23:30 Wednesday; 08:00 - 23:30 Thursday; 08:00 - 23:30 Friday; 08:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30