



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** held on **Thursday 2nd December, 2021**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Karen Scarborough (Chairman), Heather Acton and Aicha Less

#### 1. MEMBERSHIP

THERE WERE NO CHANGES.

#### 2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

#### 1. OPEN SPACE AT TRAFALGAR SQUARE, WC2N 5DS

### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4

Thursday 2 December 2021

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Aicha Less

Officer Support: Legal Adviser: Horatio Chance  
Policy Officer: Aaron Hardy  
Committee Officer: Sarah Craddock  
Presenting Officer: Kevin Jackaman

Application for a NEW Premises Licence – Open Space at Trafalgar Square, London WC2N 5DS – 21/11109/LIPN

FULL DECISION

## **Premises**

Open Space at  
Trafalgar Square  
London  
WC2N 5DS

## **Applicant**

Greater London Authority  
Represented by Simon Taylor (Solicitor), Kim Hobbs (Greater London Authority)  
and Mark Smith, (Heart Productions)

## **Cumulative Impact Area?**

None

## **Ward**

St James's

## **Special Consideration Zone**

West End Buffer

## **Summary of Application**

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises to be licensed includes the entirety of Trafalgar Square including the North Terrace, and also includes the roads immediately surrounding Trafalgar Square, including sections of Pall Mall East, Morley's Hill, Cockspur Street, The Strand and the roundabout surrounding King Charles' Island to the south of the square. The licence is to be time limited for the period 30 December 2021 to 02 January 2022.

## **Licensable Activities and Hours applied for**

### **Sale by Retail of Alcohol (On the Premises)**

Friday 31 December 2021 to the following morning on 1 January 2022  
12:00 to 00:30 hours.

### **Late Night Refreshment**

Friday 31 December 2021 to the following morning on 1 January 2022  
23:00 to 01:00 hours.

## **Regulated entertainment**

To allow the provision of the following Regulated Entertainments 'outdoors' between 12:00 to 01:00 hours on Friday 31 December 2021 to the following morning on 1 January 2022.

- Exhibition of Films and Plays
- Live Music and Recorded Music
- Performance of Dance
- Anything similar to Live Music, Recorded Music and Performance of Dance

## **Opening Hours of the Premises:**

Friday 31 December 2021 to the following morning on 1 January 2022  
23:00 to 01:00 hours

## **Representations Received**

- Metropolitan Police Service (PC Bryon Lewis)
- Environmental Health Service (Anil Drayan)
- Licensing Authority (Daisy Gadd)
- Residents from Craig's Court (Nerma Cridge)  
Represented by Richard Brown, Licensing Lawyer, Westminster Citizen's Advice Bureau

## **Summary of Objections**

- There was insufficient detail within the operating schedule to promote the Licensing Objectives and the Premises is located within a Special Consideration Zone as per Westminster's Licensing Policy.
- Environmental Health Service expressed concern that the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.
- The impact of this single event will be devastating for Craig's Court with people using the court including our front door as a toilet. Residents are blocked from entering/exiting their homes as they are surrounded by aggressive people under the influence of alcohol. Residents request that the Police secure Craig's Court so they can access their homes without fear of attack or intimidation and ensure that the area is cleaned up after the event.

## **Policy Position**

Under Policy HRS1, applications for hours within the Core Hours would generally be granted. Applications for hours outside Core Hours would be considered on their merits, subject to other relevant policies.

Under Policy CCSOS1 (A), applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters meeting the requirements of policies CD1, PS1, PN1 and CH1.

## **SUBMISSIONS AND REASONS**

The Sub-Committee considered an application by the Greater London Authority for a New Premises Licence in respect of Open Space at Trafalgar Square, London WC2N 5DS. The Presenting Officer provided a summary of the Application and highlighted that the Premises Licence was time limited for the period 30 December 2021 to 02 January 2022. The Sub-Committee noted that there had been a representation from a local resident and that the Premises was in a Special Consideration Zone. The Presenting Officer advised that there had been additional submissions from the Applicant which had been circulated to all parties.

Mr Simon Taylor, representing the Applicant, addressed the Sub Committee and outlined the application which was for a one-off live variety performance event to promote the Mayor's 'Let's do London Campaign' and to celebrate New Year's Eve. He advised that Heart Production had been employed to organise the event along with other specialist services to carry out tasks such as security, risk assessments and medical services. He explained that consultation with residents, businesses and the Responsible Authorities had taken place and would continue right up to and during the event.

Mr Taylor outlined the following changes to the original operating schedule:

- Capacity had been reduced to 6,750 from 9,999. There would also be 100 VIPs and 40 Press attending the event.
- The site would open at 19:30 and close at 01:00 on New Years' Day.
- Background and Incidental Music would play between 19:30 to 21:00 hours
- Provision of Alcohol and Food and Beverage Sales begins at 19:30 hours.
- Performance of Regulated Entertainment on Stage: 21:00 to 00:20 hours.
- Last orders of Alcohol, Food and Beverage would be at 23:30 hours with a limit of four drinks per person and would cease completely at 23:45 hours
- Condition 42 needed updating with the new time of 23:45.
- Children under 18 years of age would not be permitted unless accompanied by a responsible adult.
- Covid rules would be consistently updated to reflect Government guidelines.

Mr Taylor advised that the site would be enclosed by fencing with ticket only admission. He further advised that the site would contain a single stage with two large screens and would be designed so that people could not view either the stage or the two screens from outside of the site. This would discourage people from gathering to watch the performances and see the New Year in at Trafalgar Square. He confirmed there would be no provision for queueing for 'no show tickets' and again emphasised that entry would be by ticket only.

Mr Taylor explained how the Applicant had demonstrated that he would promote the licensing objectives through the events management plan (circulated to all parties) and referred to proposed condition 14 that outlined the list of plans that the Greater London Authority needed to provide to the Licensing Service for approval by the Responsible Authorities. He confirmed that the proposed conditions (all 104 of

them) from the Environmental Health Service and the Metropolitan Police Service had been agreed by the Applicant and provided a very robust framework for the event. He advised that conditions 62 and 85 were duplications and suggested keeping condition 85 as it was surrounded by the other noise conditions. He further advised that condition 42 needed to be amended to read ' Substantial food and non-intoxicating beverages shall be available until 23:45. Drinking water shall be available at all times.'

Mr Taylor advised that a new Noise Management Plan would be produced with reference to the proposed conditions attached to the Premises Licence and that approval of the Plan was provided for in proposed condition 84. He further advised there were conditions covering security at the event and again all were subject to final approval by the Police. He outlined that there would be substantial security at the event which had been provisionally agreed with the Police at a meeting held in November. He explained that there would be 168 SIA security guards, 78 stewards, (43 outside the site and 203 inside the site) and 10 response teams of 3 people (an additional 30 persons). He advised that there would also now be two additional SIA security guards (with direct radio contact to the event) permanently located at Craig Court throughout the duration of the event to prevent anti-social behaviour as well as a patrol team that would be patrolling the area every 15 minute so as to prevent public nuisance and crime and disorder. He added that this provision was outlined in proposed condition 23 as re-numbered.

Mr Taylor outlined that the dispersal policy would be updated to include all elements of the dispersal of patrons after the event and would be shared with all relevant parties by COB on 6 December. He further outlined how a complaint would be dealt with by one of the response teams during the event. He confirmed that alcohol could not be brought onto or taken off the site and would be served in non-glass containers (condition 29). He advised that adequate toilet facilities would be provided, although some businesses had refused to have them located outside of their Premises. Mr Taylor confirmed that there would be toilet facilities (including disabled toilets) located in Spring Gardens. He explained that the clearing up of litter waste (condition 94) would be done in conjunction with Westminster City Council and that a plan would be produced in the next few days and circulated to all parties.

Mr Taylor commented on the resident's representation and advised that Environmental Health Service had flagged up to the GLA that Craig Court's was an area that suffered from anti-social behaviour during these type of large events. He advised that the 78 stewards located in the surrounding area and the two permanent SIAs at Craig Court should significantly reduce the anti-social behaviour both in Craig Court and in the West End on New Years' Eve.

In response to questions from the Sub-Committee, Ms Kim Hobbs, representing the Greater London Authority, advised that people could only access the event if they obtained a ticket through the open ballot process. She confirmed there would be clear public messaging stating that people could not queue for ticket returns, purchase tickets at the event and that there would be no ability to view the event outside of the site. Mr Mark Smith, representing Heart Productions, outlined the significant number of stewards that would be located around the site, particularly around St Martin's Lane and Africa House, to prevent crowds forming. He further outlined the challenges of informing people of potential road closures and which road

closures related to which event being held over the New Year period. He advised that he had not yet received confirmation of which tube stations would be closed on New Year's Eve, however, updates on travel/leaving the West End would be given out during the event via the large screens and via a downloaded APP that people would be asked to download onto their phones before attending the event.

Mr Smith advised that people could apply for a maximum of four tickets and that the GLA was able to profile the applications to ensure that the right mix of people would be offered tickets. He added that tickets were free. Mr Smith outlined that there would be a 25% oversubscription of tickets to ensure that the event was full and advised that the terms and conditions (T&C) would highlight to the attendees the need to arrive early to ensure entry to the event. He confirmed that Heart Production was working with an experienced ticketing agency that analysed data on when people turned up to such events. Ms Hobbs advised that less than 20% of tickets would be allocated specifically for international visitors. Ms Hobb confirmed that the VIPs would include community stakeholders and the acts would include 'everything that is good about London'. Mr Smith advised that there would be no publicity around any high-profile acts performing at the event which would encourage crowds of people to visit Trafalgar Square to listen to them on New Year's Eve. He again emphasised that no one outside the site would be able to see the stage or screens located inside of the site and that the COMMs would strongly reinforce this as well as the event being broadcast on the television.

Mr Smith advised that the main entrance and exit point to the site was on Pall Mall East. He explained the entry requirements that each attendee needed to satisfy before entry into the event which included ticket, covid passport and covid test checks as well as security bag checks and walking through metal protection archers. He highlighted that no bags larger than A4 would be allowed to be taken into the event and lockers would be provided for customers to store any such items. He further advised that there would be plain clothes armed guards in the area. He confirmed that that there would not be a lateral flow testing site provided at the event however there would be a list available where people could go to obtain a test. He advised that the emergency exit would be on the south side of the square. He touched on the challenges of protecting the Christmas tree in Trafalgar Square and how the Christmas fair had been integrated into the event.

Mr Smith explained that it would be reinforced that the event would be broadcast live on TV and that it would be easier and warmer for people to remain at home to view the event rather than stand in the cold listening to it at Trafalgar Square. He outlined that the response teams would ensure that the side streets in and around Trafalgar Square were kept free of anti-social behaviour and local businesses would be given contact details of the events management team.

Mr Anil Drayan, representing the Environmental Health Service (EHS), advised that the conditions included everyone that needed to approve the final plans or management plans for the event. He advised that Environmental Health's main concern was the potential for congestion around 23:00 hours. He advised that it was very important that the pre-event COMMs was clear that the event was 'ticket only' and suggested that adequate signage be placed in the surrounding areas advising of this on the night. This would deter people going to Trafalgar Square unnecessarily in the hope of accessing the event. Ms Hobb advised that the GLA was also pushing

other New Year Eve events and the live broadcast of the event. The Sub-Committee suggested asking TFL to place the message in their tube stations. Mr Smith advised that biofuel would be used at the event and the carbon footprint would be kept to a minimum.

Ms Daisy Gadd, representing the Licensing Authority, advised that Trafalgar Square formed part of the special consideration zone and that the rates of incidents per square kilometres was nearly four times the borough average in this zone. She further advised that the following key local issues needed to be considered by the Applicant: Robberies, Theft, antisocial behaviour on and around public transport and incidents relating to ambulance call outs at night. Ms Gadd advised it was therefore for the Sub-Committee to be satisfied that the Applicant could promote the Licensing Objectives whilst holding the event.

Ms Gadd requested information from the Applicant regarding the dispersal of patrons after the event away from the cumulative impact area of Leicester Square. Mr Smith advised that the dispersal policy was not yet finalised however the final plan would be circulated for further discussion on Monday 6 December. Ms Gadd advised that the Applicant should aim to send customers towards Charring Cross Station and away from the West End Area. Mr Smith advised that patrons would be advised to go to Victoria Station which would push people away from the cumulative impact area.

In response to questions from the Licensing Authority, Mr Smith advised that people who had pre-loaded with alcohol would not be given access to the event. He advised that there would be a rapid medical response team on site and there would also be welfare officers in attendance to help vulnerable people.

PC Bryon Lewis, representing the Metropolitan Police Service, advised that all conditions had been agreed with the Applicant. He suggested that the Applicant provide their staff with training on how to deal with very drunk people. Mr Smith emphasised that there would be four welfare officers in attendance to aid staff. PC Lewis requested further information on the possible queue length of entering the event. Ms Smith advised that again they were working on this with all the specialist agencies and would report back to the Police on 6 December.

In response to questions from PC Lewis, Mr Smith advised that this was a family fun event so he was hoping that there would not be much pre-loading of alcohol. He confirmed that the security archers did not pick up knives whereas the wand security method did pick up such weapons. He confirmed that it was a non-smoking event and there was no re-entry once you left the event.

Mr Richard Brown, representing Ms Nerma Cridge, referred to page 90 of the report which indicated the location of Craig Court in relation to Trafalgar Square. He advised of the anti-social behaviour which occurred in the courtyard especially the constant urination from drunk people leaving the three local pubs and the three homeless people permanently living there. He emphasised that there were permanent puddles of urination in the street which made the street smell. He requested that the two SIA security guards remain at Craig Court after the end of the event. He advised that the two most important factors for Ms Cridge were the security and cleansing of Craig Court. He advised that cleansing was a problem 365

days a year however for this one evening the GLA should be responsible for thoroughly cleaning the cu-de sac. Mr Smith confirmed that Craig Court had been added on to the cleansing plan and that Craig Court was specifically mentioned in proposed condition 23. He advised that conditions 23 would be amended to include the presence of the two security guards between 19:30 and 01:00 at Craig Court.

Ms Nerma Cridge, local resident, advised that she had never seen any consultation letters about this event. She advised that during the Euro football event residents had been trapped in their homes as Craig Court was full of drunken and aggressive football fans drinking beer from the three local pubs or from the local Tesco and urinating in the street. She advised that the pavement was very narrow and un-even so puddles of urine built up and made the whole courtyard smell. She confirmed that the only entrance/exit from the flats was via Craig Court. She advised that there were 25 flats in the block which contained elderly people and families.

Ms Cridge advised that there were between three to five homeless people living permanently in the cu-de sac. She explained that she had contacted her local ward councillors who had been helpful in that they had got trees and flower baskets placed in the street. She advised that the area was very residential and that the residents deserved to celebrate New Year's Eve without worrying about what was happening on their doorsteps from drunk and intimidating strangers. The Sub-Committee were very sad to hear about Ms Cridge's experience and advised her to further engage with the Council and Ward Councillors to get the area cleaned more frequently in an attempt to remedy the issues complained of .

In response to questions from the Sub-Committee, Mr Smith advised that the two SIA would be acting as a deterrent to prevent people entering Craig Court. He advised that the SIAs would have radio control straight to the event so if there were any issues a response team and/or the police could be called very quickly. Ms Cridge advised that the residents had problems with the three local pubs and the Sub-Committee advised that residents could have the pub's licences reviewed if they were causing problems for the residents/breaking the conditions of their Premises Licences. Mr Drayan advised that he would ask the Council's City Inspectors to visit all three pubs to ensure that they were able to control their patrons and would also contact the rough sleepers team.

The Sub-Committee briefly discussed the proposed conditions that needed amending as follows:

- Condition 38 (re-numbered 36) – the capacity was changed to 6750 persons.
- Condition 42 (re-numbered 40) – should read 'Substantial food and non-intoxicating beverages shall be available until 23:45. Drinking water shall be available at all times.'
- Condition 62 should be deleted and condition 85 (re-numbered 82) kept.
- Condition 23 (re-numbered 21) – to be amended and an additional condition to be added to the Premises Licence regarding the two static security guards at the entrance of Craig Court from 19:30 to 01:30
- Condition 88 (re-numbered 85) should read 'Rehearsals shall be limited from 12:00 hours to 19:00 hours.'

## Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub-Committee had regard to the fact that the Applicant had reduced the capacity from 9999 to 6750 and that they had agreed to all the conditions proposed by the Metropolitan Police Service and the Environmental Health Service. The Sub-Committee noted that this was a time limited Premises Licence for New Years' Eve, and the event was being organised and managed by a competent company who were used to putting on such events.

The Sub-Committee noted the Applicant had worked very closely with the Responsible Authorities and members of the LOSPG group when it came to the agreement of conditions. A number of policies had been produced by the Applicant to include an event management plan, noise management plan, alcohol management plan, Challenge 25 and Covid-19 plan to take account of the new guidance and legislation as at 30 November. The Applicant agreed also to prepare a dispersal policy, and this was to be covered by condition. All of these policies would have the overall effect of promoting the licensing objectives

The Sub-Committee further considered that the conditions attached to the Premises Licence should alleviate any public nuisance in the special consideration zone and would in addition alleviate the issues previously suffered by residents at Craig Court when large events had taken place in Trafalgar Square. The Sub-Committee purposely imposed specific conditions on the Premises Licence to ensure that potential nuisance and crime and disorder did not take place in nearby Craig Court by mitigating the concerns raised.

In reaching its decision, the Sub-Committee concluded that the conditions imposed on the Premises licence were appropriate and would promote the licensing objectives.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission for the **On Sale of Alcohol** Friday 31 December 2021 to the following morning on 1 January 2022: 12:00 to 00:30 hours.
2. To grant permission for **Late Night Refreshment** Friday 31 December 2021 to the following morning on 1 January 2022: 23:00 to 01:00 hours.
3. To grant permission for **Regulated Entertainment to allow** the provision of the following Regulated Entertainments 'outdoors' between 12:00 to 01:00 hours on Friday 31 December 2021 to the following morning on 1 January

2022.

- Exhibition of Films and Plays
  - Live Music and Recorded Music
  - Performance of Dance
  - Anything similar to Live Music, Recorded Music and Performance of Dance
4. To grant permission for opening hours of the Premises Friday 31 December 2021 to the following morning on 1 January 2022: 23:00 to 01:00 hours.
  5. That the Premises Licence shall be time limited for the period 30 December 2021 to 02 January 2022. and the licensable activities so authorised shall be restricted to this period after which time this Licence shall cease and have no effect.
  6. That the Licence is subject to any relevant mandatory conditions.
  7. That the Licence is subject to the following additional conditions and Informative imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives

#### **Conditions imposed by the Committee after a hearing**

8. The Licensing, Operational and Safety Planning Group (LOSPG) shall be set up at least 6 weeks prior to the event and chaired by a representative of the City Council's City Promotions, Events and Filming Team (CPEFT). Meetings of the LOSPG shall be held as often and be composed of as determined by the LOSPG
9. Membership of the Licensing, Operational and Safety Planning Group (LOSPG) shall consist of invited representatives of the designated event organiser and Mayor of London, the Metropolitan Police Service, Officers of Westminster Council from CPEFT, Prepare Team and the Environmental Health Consultation Team (EHCT), London Ambulance Service, London Fire Brigade, Transport for London and any other appropriate and specialist advisor as required by the chairman of the LOSPG.
10. The operational use of this licence shall be agreed through the LOSPG process which shall achieve a 'no objection' and to meet the licensing objectives of the Licensing Act.
11. The Premises Licence Holder shall present the draft Event Management Plan (EMP) to members of LOSPG at least 6 weeks before the event. The EMP shall include as a minimum: -
  - Covid-19 Statement;
  - Access Management Plan;
  - Adverse Weather Plan;
  - Alcohol Management Plan;
  - Cancellation Procedure;
  - CCTV Plan
  - Communications Plan;

- Child & Vulnerable Adults Policy;
  - Crowd Management Plan (including Security and Stewarding Plan);
  - Egress Management Plan (included in EMP);
  - Emergency Evacuation procedures (included in EMP);
  - Event Control Statement of Intent;
  - Event Medical Plan;
  - Event Safety Plan including Risk Assessment;
  - Fire Safety Management Plan;
  - Ingress Management Plan;
  - Lighting Plan;
  - Noise Management Plan;
  - Public Liability Insurance;
  - Security and Crime Reduction Plan;
  - Site Plans;
  - Sustainability Statement;
  - Terms and Conditions of Entry;
  - Food Trader Management Plan;
  - Transport Assessment;
  - Waste Management Plan.
12. Unless otherwise agreed, no later than 14 days prior to the event day the Premises Licence holder must ensure the final Event Management Plan is presented to the members of the LOSPG for their comments.
  13. The Premises Licence Holder shall comply with all reasonable requirements of Westminster City Council, Westminster Police Licensing Team, Westminster City Council's Environmental Health Consultation Team, Westminster City Council's City Promotions, Events and Filming Team, the London Fire Brigade and the Metropolitan Police Service.
  14. The Premises Licence Holder shall carry out a crowd flow analysis to make an assessment of the likely impact of the event at the premises and the surrounding area of the access and egress to the event by customers and presented in the EMP in order to provide suitable and sufficient crowd management plan.
  15. The Premises Licence Holder shall produce a security stewarding plan which will detail the qualification, training and deployment of SIA security and stewards. The positioning of staff will be based on a risk assessment process.
  16. All security staff employed at the premises will be accredited by and registered with the Security Industry Authority.
  17. The security and stewarding plan will specify numbers of staff, their roles and emergency procedures.
  18. All security staff will be identifiable in uniform and will display their name badges by way of a reflective armband or lanyard.
  19. A register will be kept of all security staff working at the premises. This register will contain the following information: -

- day and time of entry;
  - time that the member of security staff starts and finishes work;
  - full name;
  - SIA registration number.
20. External security teams will patrol the event perimeter and security response teams will operate in the immediate area around the site.
  21. Two security guards shall be placed at the entrance of the nearby cul-de-sac Craig Court from 19:30 to 01:30 hours and in addition there will be regular patrols at least every 15 minutes from midnight to 01:30 hours.
  22. Event security will constantly monitor customers behaviour and will take appropriate action to assist with the prevent of crime and disorder within the site.
  23. The Premises Licence Holder will work with the Metropolitan Police Service to develop and implement an appropriate policing plan for the events in conjunction with the EMP.
  24. Any bars shall close immediately on the direction of the senior police officer engaged on the event.
  25. The Premises Licence Holder shall ensure that alcohol is not allowed to be brought onto the Premises by members of the public.
  26. The Premises Licence Holder shall ensure that no alcohol is allowed to be taken off the Premises by members of the public.
  27. 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. If the person seeking alcohol is unable to produce an acceptable form of identification no sale or supply of alcohol shall be made to or for that person.
  28. A personal licence holder shall be on duty at each bar at all times it is open.
  29. No drinks shall be served in glass containers at any time.
  30. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Personal Licence Holders on duty at each bar shall in addition have ACT-E and WAVE training. The training log will be made available for inspection by the Police and licensing authority.
  31. Posters will be displayed on site in the bar area and point of sale, which refer to the challenge 25 policy and to advise that suitable proof of age will be required for the purposes of the supply of alcohol.
  32. The organisers will employ sufficient staff to manage queuing in the bar areas.

33. The Premises Licence Holder shall install a comprehensive CCTV system on site in accordance with the CCTV Plan agreed with LOSPG which will be provided within the Event Management Plan. All entrances to the premises 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. 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 must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested. All recordings shall be stored for a minimum period of 31 days with date and time stamping, and recordings should be made available upon the request of Police or authorised officer as soon as reasonable practicable throughout the entire 31 day period.
34. A zero tolerance to illegal drugs shall be operated. The Premises Licence Holder shall put in place a written policy to prevent the use or possession of illegal substances and prohibited items at the events which will be written in cooperation with the Metropolitan Police Service. Clear signage at the entrance to the site will list all prohibited items.
35. A written search policy will be in place and security staff will be briefed on the provisions of such policy to be aware of their responsibilities and actions required by that policy. Such policy will include the procedure for searching prior to entry of customers to the site which will include randomised body searches by hand or using hand held metal detectors on the entry points to the events. Any customer refusing to permit to the search procedure will be refused entry to the site. Any queues formed at the entry to the site shall be supervised by security staff to prevent disorder and anti-social behaviour.
36. The number of persons (excluding staff, performers and media) accommodated shall not exceed 6750.
37. Access to the site will be by ticket only and an auditable system shall be used to record the number of customers within the site.
38. The DPS shall be on site during operational hours.
39. All staff engaged outside the entrance to the site, or supervising or controlling queues, shall wear high visibility jackets or vests.
40. Substantial food and non-intoxicating beverages shall be available until 23:45. Drinking water shall be available at all times.
41. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the site. The following special effects will only be used if authorised through the LOSPG process.
  - dry ice and cryogenic fog
  - smoke machines and fog generators

- pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
42. The approved arrangements at the Premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
  43. The means of escape provided for the Premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
  44. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
  45. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage.
  46. All parts of the site intended to be used in the absence of adequate daylight and all essential safety signage shall be suitably illuminable. Details of the locations and level of illumination must be contained in the EMP.
  47. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, entertainment areas, shall be non-combustible.
  48. All fabric, including curtains and drapes used on stage for tents and marquees, or plastic and weather sheeting, shall be inherently or durably flame retardant to the relevant British Standards. Certificates of compliance must be available upon request by an authorised officer of Westminster City Council, The London Fire Brigade.
  49. Any moving flown equipment must contain a device or method whereby failure in the lifting system would not allow the load to fall. All hung scenery and equipment must be provided with a minimum of two securely fixed independent suspensions such that in the event of failure of one suspension the load shall be safely sustained.
  50. The certificates listed below shall be submitted to the licensing authority upon written request:
    - Any permanent or temporary emergency lighting battery or system
    - Any permanent or temporary electrical installation
    - Any permanent or temporary emergency warning system
  51. Electrical generators, where used, must be:
    - Suitably located clear of buildings, marquees and structures, and free from

flammable materials;

- Enclosed to prevent unauthorised access;
- Able to provide power for the duration of the event;
- Backed up electrical generators are to be provided to power essential communications, lighting and safety systems in the event of primary generator failure.

52. An agreed level of emergency first aid will be on site throughout the event. The levels will be determined by a medical risk assessment and will form part of the Event Management Plan.
53. The Children and Vulnerable Adults Policy will include details of the welfare provision for the support of children and vulnerable adults. All welfare staff will be appropriately trained and certified.
54. The Premises Licence Holder will provide a minimum of 1 welfare officer (DBS Checked) per 2,000 customers. Welfare officers will readily be identifiable to attendees and who's primary duties will be contained within the EMP Children and Vulnerable Adults policy.
55. The Premises Licence Holder shall carry out the sanitary provision analysis using the event safety guide as the basis for determining the sanitation facilities required. The minimum number of facilities will be included in the Event Management Plan together with details of the maintenance and servicing of sanitary accommodation.
56. Details of all marquees, tented structures and temporary structures should be provided including emergency exits and signage, fire warning and fire-fighting equipment.
57. Full structural design details and calculations of all and any structures to be erected within the licensed area must be submitted to the Westminster City Council Building Control. A certificate from a competent person or engineer that a completed structure has been erected in accordance with the structural drawings and design specification must be available for inspection prior to a relevant structure being used during the licensed event.
58. The Premises Licence Holder must ensure that competent persons are employed to assess the electrical requirements at the event and the compatibility of the electricity supply with the equipment to be used. Appropriate safety devices (such as 30mA Residual Current Devices at Source) must be used for electrical apparatus, particularly for any electrical equipment exposed to adverse conditions or electrical equipment to be used in association with hand held devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.
59. All spare fuel, including LPG, must be kept and stored safely in accordance with relevant Health and Safety legislation and suitable safety signage and fire fighting equipment provided.

60. No licensable activities shall take place at the site until the licensing authority are satisfied that the site is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
61. Before the site opens to the public under the licence, the final plans deposited to the LOSPG will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the work carried out. Where minor layout changes have occurred during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority
62. So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.
63. The licensable activity authorised by this licence and provided at the premises shall be run in compliance with the Event Management Plan agreed by the LOSPG.
64. If required by LOSPG, the Premises Licence Holder shall arrange an event debrief after the event day at a time agreed with LOSPG
65. The Premises Licence Holder shall hold meetings with Westminster City Council and the Metropolitan Police Service to plan measures for the prevention of crime and disorder
66. A suitable and sufficient crowd management plan will be provided within the Event Management Plan.
67. Security will screen customers on the entry points to the events and exercise the right to refuse entry to any unauthorised or disorderly persons
68. On the event day licensable activities in the event space shall only be provided to persons who are ticket holders for that event. There shall be no re-entry to the site.
69. The premises licence holder shall ensure no screens shall be viewable from outside of the event space
70. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection on site by the police or an authorised officer of the City Council at all times whilst the premises is open.
71. An incident log shall be kept on site, 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 , offensive weapons and prohibited items
  - f. any refusal of the sale of alcohol
  - g. any formal visit by a relevant authority or emergency service
72. No person shall give on the site any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
  73. The contingency arrangement for emergency evacuation is detailed in the Event Management Plan and will be implemented should this be necessary
  74. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
  75. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
  76. The Premises Licence Holder shall provide an adverse weather plan which will be included in the Event Management Plan.
  77. The Event Management Plan shall contain a Covid-19 statement that will be regularly updated to contain the latest Government guidance and advice.
  78. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
  79. No waste or recyclable materials, including bottles, shall be moved, removed from the site between 23.00 hours and 07.00 hours on the following day.
  80. No deliveries to the site shall take place between 23.00 and 07.00 on the following day.
  81. A minimum of 28 days prior to the event a Noise Management Plan to promote the prevention of public nuisance shall be provided to Westminster City Council's Environmental Health Consultation Team for approval. The Noise Management Plan shall state the maximum permitted music noise level applicable at the nearest noise sensitive premises. Once approved in writing it shall be implemented by the Premises Licence Holder.
  82. For licensable events when the stage is facing north the Music Noise Level shall not exceed 79dB LAeq (5 minutes) one metre from the nearest affected façade.

83. The Licensee will take all reasonable steps to ensure that amplified music will not cause a nuisance.
84. Residential properties and the relevant amenity group(s) in the immediate vicinity of the Square will be contacted as soon as reasonably practicable (and in any event no later than 28 days) prior to the first Event advising them of the times of the Events and any sound check or rehearsal times and giving them a telephone number to contact in the event that they have any complaints.
85. Rehearsals shall be limited from 12:00 hours to 19:00 hours.
86. There shall be no publicity of rehearsals.
87. There shall be no noise audible at the nearest noise sensitive premises from any construction or similar works in association with the set up and dismantling of the site, outside the hours of:  
08:00 - 18:00 Monday -Saturday  
08:00 - 13:00 Sunday
88. Any generators, refrigerators or other machinery running overnight will be silenced, screened or sited so as not to be audible outside the boundary of the site.
89. Flashing or particularly bright lights on or outside the site shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
90. No fumes, steam or odours shall be emitted from the site so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
91. The Premises Licence Holder shall provide a Litter and Waste Management Plan in conjunction with Westminster City Council. This Plan will include the site and an area in the immediate external perimeter of the site as agreed with Westminster City Council.
92. A sufficient number of easily identifiable, readily accessible receptacles for refuse must be provided, including provisions for concessions. Arrangements must be made for regular collection. Public areas must be kept clear of refuse and other combustible waste prior to, and so far as is reasonably practicable, during the licensed events.
93. The Premises Licence Holder shall put in place plans agreed with the Metropolitan Police Service and LOSPG as are necessary to control and ingress and egress of customers attending the events and to ensure the effective dispersal of attendees after the events. This plan will be developed to prevent and respond to anti-social behaviour caused by customers to the events.

94. The Premises Licence Holder shall produce and agree a transport assessment in conjunction with LOSPG. Promotional literature and web pages will give prominence to information regarding the use of public transport.
95. The Premises Licence Holder will produce and implement a child or vulnerable persons policy which will include provision for children or vulnerable persons found or reported missing.
96. The Premises Licence Holder will appoint one person as responsible for safeguarding on site to coordinate safeguarding measures.
97. A welfare area will be provided to coordinate all welfare safeguarding and information activities.
98. Children's toilets and changing facilities will be available within the site.
99. The challenge 25 policy will be rigorously enforced.
100. Age restricted films will not be shown in the presence of children.
101. Children under the age of 18 will not be admitted unless accompanied by a responsible adult.
102. That the Premises Licence Holder will produce a dispersal plan in consultation with the Responsible Authorities and a copy shall be made available upon request

### **Informatives**

103. During the period of the event the Applicant is to discourage the use of taxis and petty cabs.
104. During the period of the event the Applicant is strongly encouraged to use biofuels where possible.

**This is the Full Decision reached by the Licensing Sub-Committee  
This Decision takes immediate effect.**

**Licensing Sub-Committee  
2 December 2021**

**2. UNIT 1, ILONA ROSE HOUSE, DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12 - 14 GREEK STREET**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4**

**Thursday 2 December 2021**

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Aicha Less

**Application for a New Premises Licence in respect of Unit 1, Ilona Rose House, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street, London – 21/07023/LIPN**

Officer Support:      Legal Advisor:      Horatio Chance  
                                 Policy Officer:      Aaron Hardy  
                                 Committee Officer: Sarah Craddock  
                                 Presenting Officer: Emanuela Meloyan

**Premises**

Unit 1, Ilona Rose House Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street, London

**Applicant**

Soho Estates Portfolio Limited Represented by Alun Thomas (Thomas and Thomas) and Nick Lawson (Applicant from Soho Estates Portfolio Limited)

**Cumulative Impact Area**

West End

**Ward**

West End

**Summary of Application**

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a restaurant with ancillary bar and external seating areas both within the private land edged red on the plan and a small area of highway on Manette Street. The Premises are both within the West End Ward and West End Cumulative Impact Zone. The Special Consideration Zone does not apply. The application follows a provisional statement 17/09329/LIPST. There is a resident count of 46.

## **Activities and Hours applied for**

### **Retail Sale of Alcohol [On and Off Sales]**

Monday to Saturday 10:00 to 01:00

Sunday 12:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

### **Late Night Refreshment (Indoors)**

Monday to Saturday 23:00 to 01:00

Sunday 23:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

### **Hours premises are open to the public**

Monday to Saturday 08:00 to 01:00

Sunday 08:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

## **Representations Received:**

- Environmental Health Service (Dave Nevitt)
- Licensing Authority (Karyn Abbott)
- Metropolitan Police Service (withdrawn 6 October 2021)

## **Summary of issues raised by objectors:**

The proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety. The Licensing Authority have concerns on how the Premises would promote the Licensing Objectives.

## **Policy Position:**

Under Policy CIP1 of the City Council's Statement of Licensing Policy (SLP) it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for pubs and bars, fast food premises and premises offering facilities for music and dancing and similar entertainment, other than applications to vary hours within the Core Hours under Policy HRS1. Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Under Policy HRS1, applications within the core hours will generally be granted subject to not being contrary to other policies in the Statement of Licensing Policy (SLP).

Under Policy RTN1, applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters identified in Policy RTN1.

### **SUBMISSIONS AND REASONS**

With the agreement of all parties present the Sub-Committee decided to hear all four applications for the Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street simultaneously but agreed that each application would have their own separate written Decision.

The Sub-Committee considered an application by Soho Estates Portfolio Limited for a New Premises Licence in respect of Unit 1, Ilona Rose House, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street. The Presenting Officer provided a summary of the Application and advised that there had been additional submissions from the Applicant which had been circulated to all parties.

Mr Alun Thomas, Solicitor for the Applicant, Soho Portfolio Limited, addressed the Sub-Committee and explained that there were four applications for New Premises Licences before the Sub-Committee today for the Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street. He referred to the site plans at page 148 of the report and advised of the location of each of the four units in relation to whether they were near Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street. He added that the building was very large and would also contain eight residential flats for intermediate housing. These flats would be fitted with triple glazing sealed windows and managed by Soho Housing Estates.

Mr Thomas advised that the four New Premises Licences had been applied for in line with the same hours as outlined in the provisional statements that had been granted, with the following exceptions:

- New layouts and the removal of one building from the scheme, which was the original unit 4. Unit 4 had now moved into the basement.
- Updated model conditions reflecting the current drafting of the Licensing Authority and the inclusion of works conditions.
- The addition of 'off sales' as a licensable activity to allow for customers to be accommodated in an external seating area on Manette Street.
- The addition of limited bar use to persons seated and served by waiter/ess service, ceasing at 21:00 hours, limited to circa 20% of each unit's capacity.
- Additional external seating limited to 23:00 hours, which, by its very nature would be seasonal and weather dependant.

Mr Thomas advised that whilst there had been a gain in external seating which was subject to a 23:00 permission there had also been a reduction of 30 internal covers

subject to a 01:00 permission. He emphasised, therefore, there had been an overall reduction in operating hours and that the use of the external seating was seasonal. He confirmed that there would be sustainable heaters in the external seating areas.

Mr Thomas explained that the development site was wholly owned by Soho Estates, a well-respected local business, and would remain in the family's property portfolio. He advised that this should give the Sub-Committee some reassurance regarding the Premises being situated in the West End cumulative impact zone (CIZ) in that the whole building would be operated by one joined up management team. Mr Thomas then outlined to the Sub-Committee the following unique features of the development site which would help combat cumulative impact:

- On site 24-hour CCTV
- Private security arrangements
- Carefully selected and curated tenant occupiers and operators
- Additional street and façade lighting
- Urban greening and upgrading
- Additional private cleansing

Mr Thomas advised that the building was located very close to excellent public transport networks and was in close proximity to the Cross Rail site and Tottenham Court Road for tubes and buses. He further advised of the new pedestrian route that was proposed between Greek Street and Manette Street via the courtyard to provide an additional pedestrian route into Soho due to the increase in footfall as a consequence of Crossrail.

Mr Thomas advised that the four new Premises would be operated as restaurants governed by the full restaurant condition MC66 after 21:00 hours. He further advised, however, in line with the current SLP, the Applicant had requested some flexibility for alcohol to be sold without food to a limited number of customers (limited to circa 20% of each unit's capacity – Unit 1 (50 persons), Unit 2 (30 persons), Unit 3 (40 persons) and Unit 4 (60 persons)) seated and served by waiter/ess service before 21:00. He outlined that this could be managed by either having a designated drinking only/bar area (hatched onto the plans) in each of the units or by allowing each unit to have specific 'drinking only' tables (hatched onto the plans) dispersed throughout their Premises.

Mr Thomas outlined that as the SLP stated that most public safety and public nuisance occurred after 21:00 allowing alcohol to be sold without food up to 21:00 would not cause cumulative impact within the West End CIZ. He explained that the four applications were an exception to the Licensing Policy in that the bar use was ancillary to all the Premises which were primary food led Premises/restaurants. He also added that the Applicant had reduced the internal capacity and the hours of operation of the original scheme. He emphasised, however, that the most important exceptional circumstance was that the building would be managed by one operator, Soho Estates, who were very experienced and would ensure the safety and security of its customers and the four restaurants within the building.

In response to questions from the Sub-Committee, Mr Allun advised that there would be no shisha smoking and no vertical drinking in any of the Premises. He

emphasised again the very good transport links located near to the building. He referred to the service entrance where the bins/rubbish would be held until it was collected. He confirmed that the residential flats would be managed by Soho Housing who had a close relationship with Soho Estates. He advised that the four premises would be operated by mid to high end fine dining restaurants. He confirmed that there had been extensive consultation through the planning stage, that the applications for the four new Premises Licences had been advertised correctly and that there had been no residential objections to the proposed four new Premises Licences.

Mr Dave Nevitt, representing the Environmental Health Service (EH), advised that this was a significant development which had gone through planning and had already obtained provisional statements. He explained that EH welcomed the integrated management approach to the operation of the building and that all the units were essentially restaurants and governed by the full restaurant condition MC66. He requested clarification on how the Premises would define, regulate and manage the sale of alcohol without food before 21:00 whilst promoting the Licensing Objectives. He welcomed that no vertical drinking would take place. He further requested that the Sub-Committee agree a figure/percentage for each unit that they were content to have as drinking only before 21:00. He emphasised that all external areas would be rendered unusable at 23:00 hours as the Premises was in a residential area. He confirmed that the restaurants would remain open until 01:00 which was outside the Council's core hours policy. He further confirmed that the building had been refurbished with all the necessary essential safety equipment and that there was good public transport links located near the building.

Mr Thomas advised that the appropriate capacities for the four units were:

- Unit 1 – 200 - 240 capacity (136sq metres external)
- Unit 2 – 180 capacity (78sq metres external)
- Unit 3 – 250 capacity (80sq metres external)
- Unit 4 – 300 capacity, however, a 240 capacity would probably be agreed.  
No outside area.

The Sub-Committee discussed how the Responsible Authorities would regulate the drinking only areas either by having a designated area in each unit or having 'drinking only' tables dispersed throughout each unit. The Sub-Committee noted that a fair percentage to set would be 20% of the capacity of each unit. The Sub-Committee considered that any percentage above 20% would change the nature character and style of the Premises. The Sub-Committee further noted that the Applicant did not wish to close the external areas before 23:00 as the Premises would lose some of its attractiveness if people had to leave the outside areas around 21:30. Mr Nevitt advised that there was a significant amount of external seating and added that people having fun outside always looked attractive to people walking pass the Premises. Mr Lawson advised that planters would be used as a buffer to absorb the noise from people talking.

Ms Karyn Abbott, representing the Licensing Authority, advised that the provisional statements were granted on the understanding that the restaurant condition MC66 would always operate throughout all four Premises. The Applicant now wished to sale alcohol without food up until 21:00 in all four units and therefore it was for the

Sub-Committee to determine these applications, given its location within the West End CIZ and the proposed style of operation.

In response to questions from the Sub-Committee, Mr Thomas referred to condition 25, page 235 of the report and advised of the typo which should read '60 customers at any one time' instead of '30 customers at any one time'. The Licensing Authority confirmed that this was indeed a typo and the Sub-Committee noted that condition 25 should read as '60 customers at any one time'. Mr Nevitt outlined that he needed the area or tables in each of the four units that would be used for 'drinking only' up to 21:00 to be hatched on each of the four plans. This would make it easier for City Inspectors and the Environmental Health Service to regulate the four Premises.

Mr Thomas advised that there was no better location in Soho for this type of venue and emphasised the good travel links out of the cumulative impact zone and the need for regeneration in this area of the West End. He commented that the Applicant already had permission for 01:00 on the provisional statements and therefore the Sub-Committee should not reduce the terminal hour today. Mr Thomas reminded the Sub-Committee that there had been no residential objections and the Police had withdrawn their representation to all four applications.

### **Conclusion**

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

In reaching its decision the Sub-Committee took into consideration that the building would be operated and managed by Soho Estates and that the four units would be food led establishments. The Sub-Committee also considered that the four Premises would be governed by the full restaurant condition MC66 after 21:00 and that the proposed conditions had been agreed with all the Responsible Authorities. The Sub-Committee also noted that the Metropolitan Police Service had withdrawn their representation and that there had been no residential objections against the application. The Sub-Committee were further pleased that the Applicant had agreed to the following Informative 'there will be planters and greenery placed in the external areas of the Premises'. The Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and would promote the licencing objective.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing the Committee has decided, after taking into account all the circumstances of this application and the promotion of the four licensing objectives to grant the application with the following permissions:

1. To grant permission for the **Sale of alcohol (On and Off)** Monday to Saturday 10:00 to 01:00 hours and Sunday 12:00 to 23:30 hours.
2. To grant permission for Late Night Refreshment (Indoors) Monday to Saturday 23:00 to 01:00 hours and Sunday 23:00 to 23:30 hours.
3. To grant permission for the **Opening Hours of the Premises**

Monday to Saturday 08:00 to 01:00 hours and Sunday 08:00 to 23:30 hours.

4. To grant permission for **Seasonal Variations**: From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following conditions and Informative imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a Licensing hearing:-**

7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
8. 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.
9. 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.
10. There shall be no sales of alcohol for consumption off the premises after 23.00.
11. The external tables and chairs shall only be used between 0800 and 23.00 each day and be rendered unusable at 23:00.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. 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.

14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. 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) hours on the following day.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. Any alcohol supplied for consumption off the premises must be in a sealed container unless consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
22. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
23. After 21:00 the premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,

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

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Before 21:00 , alcohol may only be sold to persons seated and served by waiter/waitress service and restricted to no more than 50 customers at any time, as specified.

- 24. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
- 25. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
- 26. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
- 27. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
- 28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

If problems are experienced then a Review of the Premises Licence can be made.

**This is the Full Decision reached by the Licensing Sub-Committee.  
This Decision takes immediate effect.**

**The Licensing Sub-Committee  
2 December 2021**

- 3. UNIT 2, ILONA ROSE HOUSE: DEVELOPMENT SITE AT 111-119  
CHARING CROSS ROAD, 1-12 MANETTE STREET, 1-4 WEDGWOOD  
MEWS AND 12 - 14 GREEK STREET**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4**

**Thursday 2 December 2021**

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Aicha Less

**Application for a New Premises Licence in respect of Unit 2 Ilona Rose House,  
Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4  
Wedgewood Mews and 12-14 Greek Street, London – 21/07024/LIPN**

Officer Support: Legal Advisor: Horatio Chance  
Policy Officer: Aaron Hardy  
Committee Officer: Sarah Craddock  
Presenting Officer: Emanuela Meloyan

**Premises**

Unit 2, Ilona Rose House Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street, London

**Applicant**

Soho Estates Portfolio Limited Represented by Alun Thomas (Thomas and Thomas) and Nick Lawson (Applicant from Soho Estates Portfolio Limited)

**Cumulative Impact Area**

West End

**Ward**

West End

**Summary of Application**

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a restaurant with ancillary bar and external seating areas both within the private land edged red

on the plan and a small area of highway on Manette Street. The Premises are both within the West End Ward and West End Cumulative Impact Zone. The Special Consideration Zone does not apply. The application follows a provisional statement 17/09329/LIPST. There is a resident count of 46.

### **Activities and Hours applied for**

#### **[Retail Sale of Alcohol \[On and Off Sales\]](#)**

Monday to Saturday 10:00 to 01:00

Sunday 12:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

#### **[Late Night Refreshment \(Indoors\)](#)**

Monday to Saturday 23:00 to 01:00

Sunday 23:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

#### **[Hours premises are open to the public](#)**

Monday to Saturday 08:00 to 01:00

Sunday 08:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

### **Representations Received:**

- Environmental Health Service (Dave Nevitt)
- Licensing Authority (Karyn Abbott)
- Metropolitan Police Service (withdrawn 6 October 2021)

### **Summary of issues raised by objectors:**

The proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety. The Licensing Authority have concerns on how the Premises would promote the Licensing Objectives.

### **Policy Position:**

Under Policy CIP1 of the City Council's Statement of Licensing Policy (SLP) it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for pubs and bars, fast food premises and premises offering facilities for music and dancing and similar entertainment, other than applications to vary hours within the Core Hours under Policy HRS1. Applications for other licensable activities in the

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

Under Policy HRS1, applications within the core hours will generally be granted subject to not being contrary to other policies in the Statement of Licensing Policy (SLP).

Under Policy RTN1, applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters identified in Policy RTN1.

### **SUBMISSIONS AND REASONS**

With the agreement of all parties present the Sub-Committee decided to hear all four applications for the Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street simultaneously but agreed that each application would have their own separate written Decision.

The Sub-Committee considered an application by Soho Estates Portfolio Limited for a New Premises Licence in respect of Unit 1, Ilona Rose House, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street. The Presenting Officer provided a summary of the Application and advised that there had been additional submissions from the Applicant which had been circulated to all parties.

Mr Alun Thomas, Solicitor for the Applicant, Soho Portfolio Limited, addressed the Sub-Committee and explained that there were four applications for New Premises Licences before the Sub-Committee today for the Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street. He referred to the site plans at page 148 of the report and advised of the location of each of the four units in relation to whether they were near Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street. He added that the building was very large and would also contain eight residential flats for intermediate housing. These flats would be fitted with triple glazing sealed windows and managed by Soho Housing Estates.

Mr Thomas advised that the four New Premises Licences had been applied for in line with the same hours as outlined in the provisional statements that had been granted, with the following exceptions:

- New layouts and the removal of one building from the scheme, which was the original unit 4. Unit 4 had now moved into the basement.
- Updated model conditions reflecting the current drafting of the Licensing Authority and the inclusion of works conditions.
- The addition of 'off sales' as a licensable activity to allow for customers to be accommodated in an external seating area on Manette Street.
- The addition of limited bar use to persons seated and served by waiter/ess service, ceasing at 21:00 hours, limited to circa 20% of each unit's capacity.
- Additional external seating limited to 23:00 hours, which, by its very nature would be seasonal and weather dependant.

Mr Thomas advised that whilst there had been a gain in external seating which was subject to a 23:00 permission there had also been a reduction of 30 internal covers subject to a 01:00 permission. He emphasised, therefore, there had been an overall reduction in operating hours and that the use of the external seating was seasonal. He confirmed that there would be sustainable heaters in the external seating areas.

Mr Thomas explained that the development site was wholly owned by Soho Estates, a well-respected local business, and would remain in the family's property portfolio. He advised that this should give the Sub-Committee some reassurance regarding the Premises being situated in the West End cumulative impact zone (CIZ) in that the whole building would be operated by one joined up management team. Mr Thomas then outlined to the Sub-Committee the following unique features of the development site which would help combat cumulative impact:

- On site 24-hour CCTV
- Private security arrangements
- Carefully selected and curated tenant occupiers and operators
- Additional street and façade lighting
- Urban greening and upgrading
- Additional private cleansing

Mr Thomas advised that the building was located very close to excellent public transport networks and was in close proximity to the Cross Rail site and Tottenham Court Road for tubes and buses. He further advised of the new pedestrian route that was proposed between Greek Street and Manette Street via the courtyard to provide an additional pedestrian route into Soho due to the increase in footfall as a consequence of Crossrail.

Mr Thomas advised that the four new Premises would be operated as restaurants governed by the full restaurant condition MC66 after 21:00 hours. He further advised, however, in line with the current SLP, the Applicant had requested some flexibility for alcohol to be sold without food to a limited number of customers (limited to circa 20% of each unit's capacity – Unit 1 (50 persons), Unit 2 (30 persons), Unit 3 (40 persons) and Unit 4 (60 persons)) seated and served by waiter/ess service before 21:00. He outlined that this could be managed by either having a designated drinking only/bar area (hatched onto the plans) in each of the units or by allowing each unit to have specific 'drinking only' tables (hatched onto the plans) dispersed throughout their Premises.

Mr Thomas outlined that as the SLP stated that most public safety and public nuisance occurred after 21:00 allowing alcohol to be sold without food up to 21:00 would not cause cumulative impact within the West End CIZ. He explained that the four applications were an exception to the Licensing Policy in that the bar use was ancillary to all the Premises which were primary food led Premises/restaurants. He also added that the Applicant had reduced the internal capacity and the hours of operation of the original scheme. He emphasised, however, that the most important exceptional circumstance was that the building would be managed by one operator, Soho Estates, who were very experienced and would ensure the safety and security of its customers and the four restaurants within the building.

In response to questions from the Sub-Committee, Mr Allun advised that there would be no shisha smoking and no vertical drinking in any of the Premises. He emphasised again the very good transport links located near to the building. He referred to the service entrance where the bins/rubbish would be held until it was collected. He confirmed that the residential flats would be managed by Soho Housing who had a close relationship with Soho Estates. He advised that the four premises would be operated by mid to high end fine dining restaurants. He confirmed that there had been extensive consultation through the planning stage, that the applications for the four new Premises Licences had been advertised correctly and that there had been no residential objections to the proposed four new Premises Licences.

Mr Dave Nevitt, representing the Environmental Health Service (EH), advised that this was a significant development which had gone through planning and had already obtained provisional statements. He explained that EH welcomed the integrated management approach to the operation of the building and that all the units were essentially restaurants and governed by the full restaurant condition MC66. He requested clarification on how the Premises would define, regulate and manage the sale of alcohol without food before 21:00 whilst promoting the Licensing Objectives. He welcomed that no vertical drinking would take place. He further requested that the Sub-Committee agree a figure/percentage for each unit that they were content to have as drinking only before 21:00. He emphasised that all external areas would be rendered unusable at 23:00 hours as the Premises was in a residential area. He confirmed that the restaurants would remain open until 01:00 which was outside the Council's core hours policy. He further confirmed that the building had been refurnished with all the necessary essential safety equipment and that there was good public transport links located near the building.

Mr Thomas advised that the appropriate capacities for the four units were:

- Unit 1 – 200 - 240 capacity (136sq metres external)
- Unit 2 – 180 capacity (78sq metres external)
- Unit 3 – 250 capacity (80sq metres external)
- Unit 4 – 300 capacity, however, a 240 capacity would probably be agreed.  
No outside area.

The Sub-Committee discussed how the Responsible Authorities would regulate the drinking only areas either by having a designated area in each unit or having 'drinking only' tables dispersed throughout each unit. The Sub-Committee noted that a fair percentage to set would be 20% of the capacity of each unit. The Sub-Committee considered that any percentage above 20% would change the nature character and style of the Premises. The Sub-Committee further noted that the Applicant did not wish to close the external areas before 23:00 as the Premises would lose some of its attractiveness if people had to leave the outside areas around 21:30. Mr Nevitt advised that there was a significant amount of external seating and added that people having fun outside always looked attractive to people walking pass the Premises. Mr Lawson advised that planters would be used as a buffer to absorb the noise from people talking.

Ms Karyn Abbott, representing the Licensing Authority, advised that the provisional statements were granted on the understanding that the restaurant condition MC66 would always operate throughout all four Premises. The Applicant now wished to sale alcohol without food up until 21:00 in all four units and therefore it was for the Sub-Committee to determine these applications, given its location within the West End CIZ and the proposed style of operation.

In response to questions from the Sub-Committee, Mr Thomas referred to condition 25, page 235 of the report and advised of the typo which should read '60 customers at any one time' instead of '30 customers at any one time'. The Licensing Authority confirmed that this was indeed a typo and the Sub-Committee noted that condition 25 should read as '60 customers at any one time'. Mr Nevitt outlined that he needed the area or tables in each of the four units that would be used for 'drinking only' up to 21:00 to be hatched on each of the four plans. This would make it easier for City Inspectors and the Environmental Health Service to regulate the four Premises.

Mr Thomas advised that there was no better location in Soho for this type of venue and emphasised the good travel links out of the cumulative impact zone and the need for regeneration in this area of the West End. He commented that the Applicant already had permission for 01:00 on the provisional statements and therefore the Sub-Committee should not reduce the terminal hour today. Mr Thomas reminded the Sub-Committee that there had been no residential objections and the Police had withdrawn their representation to all four applications.

## **Conclusion**

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

In reaching its decision the Sub-Committee took into consideration that the building would be operated and managed by Soho Estates and that the four units would be food led establishments. The Sub-Committee also considered that the four Premises would be governed by the full restaurant condition MC66 after 21:00 and that the proposed conditions had been agreed with all the Responsible Authorities. The Sub-Committee also noted that the Metropolitan Police Service had withdrawn their representation and that there had been no residential objections against the application. The Sub-Committee were further pleased that the Applicant had agreed to the following Informative 'there will be planters and greenery placed in the external areas of the Premises'. The Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and would promote the licencing objective.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing the Committee has decided, after taking into account all the circumstances of this application and the promotion of the four licensing objectives to grant the application with the following permissions:

1. To grant permission for the **Sale of alcohol (On and Off)** Monday to Saturday 10:00 to 01:00 hours and Sunday 12:00 to 23:30 hours.

2. To grant permission for **Late Night Refreshment (Indoors)** Monday to Saturday 23:00 to 01:00 hours and Sunday 23:00 to 23:30 hours.
3. To grant permission for the **Opening Hours of the Premises** Monday to Saturday 08:00 to 01:00 hours and Sunday 08:00 to 23:30 hours.
4. To grant permission for **Seasonal Variations:** From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following conditions and Informative imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a Licensing hearing:-**

7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
8. 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.
9. 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.
10. There shall be no sales of alcohol for consumption off the premises after 23.00.
11. The external tables and chairs shall only be used between 0800 and 23.00 each day and be rendered unusable at 23:00.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

15. 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) hours on the following day.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. Any alcohol supplied for consumption off the premises must be in a sealed container unless consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
22. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
23. After 21:00 , the premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes

of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Before 21:00, alcohol may only be sold to persons seated and served by waiter/waitress service and restricted to no more than 30 customers at any time, as specified.

24. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
25. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
26. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
27. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

If problems are experienced then a Review of the Licence can be made.

**This is the Full Decision reached by the Licensing Sub-Committee.  
This Decision takes immediate effect.**

**The Licensing Sub-Committee  
2 December 2021**

4. **UNIT 3, ILONA ROSE HOUSE - DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12 - 14 GREEK STREET, LONDON**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4**

**Thursday 2 December 2021**

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Aicha Less

**Application for a New Premises Licence in respect of Unit 3 Ilona Rose House, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street, London – 21/07006/LIPN**

Officer Support:      Legal Advisor:      Horatio Chance  
                                 Policy Officer:      Aaron Hardy  
                                 Committee Officer: Sarah Craddock  
                                 Presenting Officer: Emanuela Meloyan

**Premises**

Unit 3, Ilona Rose House  
Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street, London

**Applicant**

Soho Estates Portfolio Limited  
Represented by Alun Thomas (Thomas and Thomas) and Nick Lawson (Applicant from Soho Estates Portfolio Limited)

**Cumulative Impact Area**

West End

**Ward**

West End

**Summary of Application**

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a restaurant with ancillary bar and external seating areas both within the private land edged red on the plan and a small area of highway on Manette Street. The Premises are both within the West End Ward and West End Cumulative Impact Zone. The Special Consideration Zone does not apply. The application follows a provisional statement 17/09329/LIPST. There is a resident count of 46.

**Activities and Hours applied for**

[Retail Sale of Alcohol \[On and Off Sales\]](#)

Monday to Saturday 10:00 to 01:00

Sunday 12:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

#### Late Night Refreshment (Indoors)

Monday to Saturday 23:00 to 01:00

Sunday 23:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

#### Hours premises are open to the public

Monday to Saturday 08:00 to 01:00

Sunday 08:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

#### **Representations Received:**

- Environmental Health Service (Dave Nevitt)
- Licensing Authority (Karyn Abbott)
- Metropolitan Police Service (withdrawn 6 October 2021)

#### **Summary of issues raised by objectors:**

The proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety. The Licensing Authority have concerns on how the Premises would promote the Licensing Objectives.

#### **Policy Position:**

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### **SUBMISSIONS AND REASONS**

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- Updated model conditions reflecting the current drafting of the Licensing Authority and the inclusion of works conditions.
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premises would be operated by mid to high end fine dining restaurants. He confirmed that there had been extensive consultation through the planning stage, that the applications for the four new Premises Licences had been advertised correctly and that there had been no residential objections to the proposed four new Premises Licences.

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### **Conclusion**

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2. To grant permission for Late Night Refreshment (Indoors) Monday to Saturday 23:00 to 01:00 hours and Sunday 23:00 to 23:30 hours.
3. To grant permission for the **Opening Hours of the Premises**  
Monday to Saturday 08:00 to 01:00 hours and Sunday 08:00 to 23:30 hours.

4. To grant permission for **Seasonal Variations:** From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following conditions and Informative imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a Licensing Hearing:-**

7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
8. 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.
9. 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.
10. There shall be no sales of alcohol for consumption off the premises after 23.00.
11. The external tables and chairs shall only be used between 0800 and 23.00 each day and be rendered unusable at 23:00.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. 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.

14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. 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) hours on the following day.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. Any alcohol supplied for consumption off the premises must be in a sealed container unless consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
22. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
23. After 9pm, the premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,

(iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,

(v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Before 9pm, alcohol may only be sold to persons seated and served by waiter/waitress service and restricted to no more than 40 customers at any time, as specified.

24. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
25. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
26. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
27. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

If problems are experienced then a Review of the Licence can be made.

**This is the Full Decision reached by the Licensing Sub-Committee**

**This Decision takes immediate effect**

**The Licensing Sub-Committee 2 December 2021**

**5. UNIT 4, ILONA ROSE HOUSE: DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12 - 14 GREEK STREET, LONDON**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4**

**Thursday 2 December 2021**

Membership: Councillor Karen Scarborough (Chairman), Councillor Heather Acton and Councillor Aicha Less

**Application for a New Premises Licence in respect of Unit 4 Ilona Rose House, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street, London – 21/07004/LIPN**

Officer Support:      Legal Advisor:      Horatio Chance  
                                 Policy Officer:      Aaron Hardy  
                                 Committee Officer: Sarah Craddock  
                                 Presenting Officer: Emanuela Meloyan

**Premises**

Unit 4, Ilona Rose House Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street, London

**Applicant**

Soho Estates Portfolio Limited  
Represented by Alun Thomas (Thomas and Thomas) and Nick Lawson (Applicant from Soho Estates Portfolio Limited)

**Cumulative Impact Area**

West End

**Ward**

West End

**Summary of Application**

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 (“The Act”). The Premises intends to operate as a restaurant with ancillary bar and external seating areas both within the private land edged red on the plan and a small area of highway on Manette Street. The Premises are within both the West End Ward and the West End Cumulative Impact Zone. The Special Consideration Zone does not apply. The application follows a provisional statement 17/09329/LIPST. There is a resident count of 46.

## **Activities and Hours applied for**

### [Retail Sale of Alcohol \[On and Off Sales\]](#)

Monday to Saturday 10:00 to 01:00

Sunday 12:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

### [Late Night Refreshment \(Indoors\)](#)

Monday to Saturday 23:00 to 01:00

Sunday 23:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

### [Hours premises are open to the public](#)

Monday to Saturday 08:00 to 01:00

Sunday 08:00 to 23:30

Seasonal Variation/Non-Standard Timings:

These hours can be extended from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

## **Representations Received:**

- Environmental Health Service (Dave Nevitt)
- Licensing Authority (Karyn Abbott)
- Metropolitan Police Service (withdrawn 6 October 2021)

## **Summary of issues raised by objectors:**

The proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety. The Licensing Authority have concerns on how the Premises would promote the Licensing Objectives.

## **Policy Position:**

Under Policy CIP1 of the City Council's Statement of Licensing Policy (SLP) it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for pubs and bars, fast food premises and premises offering facilities for music and dancing and similar entertainment, other than applications to vary hours within the Core Hours under Policy HRS1. Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Under Policy HRS1, applications within the core hours will generally be granted subject to not being contrary to other policies in the Statement of Licensing Policy (SLP).

Under Policy RTN1, applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters identified in Policy RTN1.

### **SUBMISSIONS AND REASONS**

With the agreement of all parties present the Sub-Committee decided to hear all four applications for the Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street simultaneously but agreed that each application would have their own separate written Decision.

The Sub-Committee considered an application by Soho Estates Portfolio Limited for a New Premises Licence in respect of Unit 1, Ilona Rose House, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street. The Presenting Officer provided a summary of the Application and advised that there had been additional submissions from the Applicant which had been circulated to all parties.

Mr Alun Thomas, Solicitor for the Applicant, Soho Portfolio Limited, addressed the Sub-Committee and explained that there were four applications for New Premises Licences before the Sub-Committee today for the Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street. He referred to the site plans at page 148 of the report and advised of the location of each of the four units in relation to whether they were near Charing Cross Road, 1-12 Manette Street, 1-4 Wedgewood Mews and 12-14 Greek Street. He added that the building was very large and would also contain eight residential flats for intermediate housing. These flats would be fitted with triple glazing sealed windows and managed by Soho Housing Estates.

Mr Thomas advised that the four New Premises Licences had been applied for in line with the same hours as outlined in the provisional statements that had been granted, with the following exceptions:

- New layouts and the removal of one building from the scheme, which was the original unit 4. Unit 4 had now moved into the basement.
- Updated model conditions reflecting the current drafting of the Licensing Authority and the inclusion of works conditions.
- The addition of 'off sales' as a licensable activity to allow for customers to be accommodated in an external seating area on Manette Street.
- The addition of limited bar use to persons seated and served by waiter/ess service, ceasing at 21:00 hours, limited to circa 20% of each unit's capacity.
- Additional external seating limited to 23:00 hours, which, by its very nature would be seasonal and weather dependant.

Mr Thomas advised that whilst there had been a gain in external seating which was subject to a 23:00 permission there had also been a reduction of 30 internal covers subject to a 01:00 permission. He emphasised, therefore, there had been an overall reduction in operating hours and that the use of the external seating was seasonal. He confirmed that there would be sustainable heaters in the external seating areas.

Mr Thomas explained that the development site was wholly owned by Soho Estates, a well-respected local business, and would remain in the family's property portfolio. He advised that this should give the Sub-Committee some reassurance regarding the Premises being situated in the West End cumulative impact zone (CIZ) in that the whole building would be operated by one joined up management team. Mr Thomas then outlined to the Sub-Committee the following unique features of the development site which would help combat cumulative impact:

- On site 24-hour CCTV
- Private security arrangements
- Carefully selected and curated tenant occupiers and operators
- Additional street and façade lighting
- Urban greening and upgrading
- Additional private cleansing

Mr Thomas advised that the building was located very close to excellent public transport networks and was in close proximity to the Cross Rail site and Tottenham Court Road for tubes and buses. He further advised of the new pedestrian route that was proposed between Greek Street and Manette Street via the courtyard to provide an additional pedestrian route into Soho due to the increase in footfall as a consequence of Crossrail.

Mr Thomas advised that the four new Premises would be operated as restaurants governed by the full restaurant condition MC66 after 21:00 hours. He further advised, however, in line with the current SLP, the Applicant had requested some flexibility for alcohol to be sold without food to a limited number of customers (limited to circa 20% of each unit's capacity – Unit 1 (50 persons), Unit 2 (30 persons), Unit 3 (40 persons) and Unit 4 (60 persons)) seated and served by waiter/ess service before 21:00. He outlined that this could be managed by either having a designated drinking only/bar area (hatched onto the plans) in each of the units or by allowing each unit to have specific 'drinking only' tables (hatched onto the plans) dispersed throughout their Premises.

Mr Thomas outlined that as the SLP stated that most public safety and public nuisance occurred after 21:00 allowing alcohol to be sold without food up to 21:00 would not cause cumulative impact within the West End CIZ. He explained that the four applications were an exception to the Licensing Policy in that the bar use was ancillary to all the Premises which were primary food led Premises/restaurants. He also added that the Applicant had reduced the internal capacity and the hours of operation of the original scheme. He emphasised, however, that the most important exceptional circumstance was that the building would be managed by one operator, Soho Estates, who were very experienced and would ensure the safety and security of its customers and the four restaurants within the building.

In response to questions from the Sub-Committee, Mr Allun advised that there would be no shisha smoking and no vertical drinking in any of the Premises. He emphasised again the very good transport links located near to the building. He referred to the service entrance where the bins/rubbish would be held until it was collected. He confirmed that the residential flats would be managed by Soho Housing who had a close relationship with Soho Estates. He advised that the four

premises would be operated by mid to high end fine dining restaurants. He confirmed that there had been extensive consultation through the planning stage, that the applications for the four new Premises Licences had been advertised correctly and that there had been no residential objections to the proposed four new Premises Licences.

Mr Dave Nevitt, representing the Environmental Health Service (EH), advised that this was a significant development which had gone through planning and had already obtained provisional statements. He explained that EH welcomed the integrated management approach to the operation of the building and that all the units were essentially restaurants and governed by the full restaurant condition MC66. He requested clarification on how the Premises would define, regulate and manage the sale of alcohol without food before 21:00 whilst promoting the Licensing Objectives. He welcomed that no vertical drinking would take place. He further requested that the Sub-Committee agree a figure/percentage for each unit that they were content to have as drinking only before 21:00. He emphasised that all external areas would be rendered unusable at 23:00 hours as the Premises was in a residential area. He confirmed that the restaurants would remain open until 01:00 which was outside the Council's core hours policy. He further confirmed that the building had been refurbished with all the necessary essential safety equipment and that there was good public transport links located near the building.

Mr Thomas advised that the appropriate capacities for the four units were:

- Unit 1 – 200 - 240 capacity (136sq metres external)
- Unit 2 – 180 capacity (78sq metres external)
- Unit 3 – 250 capacity (80sq metres external)
- Unit 4 – 300 capacity, however, a 240 capacity would probably be agreed.  
No outside area.

The Sub-Committee discussed how the Responsible Authorities would regulate the drinking only areas either by having a designated area in each unit or having 'drinking only' tables dispersed throughout each unit. The Sub-Committee noted that a fair percentage to set would be 20% of the capacity of each unit. The Sub-Committee considered that any percentage above 20% would change the nature character and style of the Premises. The Sub-Committee further noted that the Applicant did not wish to close the external areas before 23:00 as the Premises would lose some of its attractiveness if people had to leave the outside areas around 21:30. Mr Nevitt advised that there was a significant amount of external seating and added that people having fun outside always looked attractive to people walking pass the Premises. Mr Lawson advised that planters would be used as a buffer to absorb the noise from people talking.

Ms Karyn Abbott, representing the Licensing Authority, advised that the provisional statements were granted on the understanding that the restaurant condition MC66 would always operate throughout all four Premises. The Applicant now wished to sale alcohol without food up until 21:00 in all four units and therefore it was for the Sub-Committee to determine these applications, given its location within the West End CIZ and the proposed style of operation.

In response to questions from the Sub-Committee, Mr Thomas referred to condition 25, page 235 of the report and advised of the typo which should read '60 customers at any one time' instead of '30 customers at any one time'. The Licensing Authority confirmed that this was indeed a typo and the Sub-Committee noted that condition 25 should read as '60 customers at any one time'. Mr Nevitt outlined that he needed the area or tables in each of the four units that would be used for 'drinking only' up to 21:00 to be hatched on each of the four plans. This would make it easier for City Inspectors and the Environmental Health Service to regulate the four Premises.

Mr Thomas advised that there was no better location in Soho for this type of venue and emphasised the good travel links out of the cumulative impact zone and the need for regeneration in this area of the West End. He commented that the Applicant already had permission for 01:00 on the provisional statements and therefore the Sub-Committee should not reduce the terminal hour today. Mr Thomas reminded the Sub-Committee that there had been no residential objections and the Police had withdrawn their representation to all four applications.

### **Conclusion**

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

In reaching its decision the Sub-Committee took into consideration that the building would be operated and managed by Soho Estates and that the four units would be food led establishments. The Sub-Committee also considered that the four Premises would be governed by the full restaurant condition MC66 after 21:00 and that the proposed conditions had been agreed with all the Responsible Authorities. The Sub-Committee also noted that the Metropolitan Police Service had withdrawn their representation and that there had been no residential objections against the application. The Sub-Committee were further pleased that the Applicant had agreed to the following Informative 'there will be planters and greenery placed in the external areas of the Premises'. The Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and would promote the licencing objective.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing the Committee has decided, after taking into account all the circumstances of this application and the promotion of the four licensing objectives to grant the application with the following permissions:

1. To grant permission for the **Sale of alcohol (On and Off)** Monday to Saturday 10:00 to 01:00 hours and Sunday 12:00 to 23:30 hours.
2. To grant permission for Late Night Refreshment (Indoors) Monday to Saturday 23:00 to 01:00 hours and Sunday 23:00 to 23:30 hours.
3. To grant permission for the **Opening Hours of the Premises**  
Monday to Saturday 08:00 to 01:00 hours and Sunday 08:00 to 23:30 hours.

4. To grant permission for **Seasonal Variations:** From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following additional conditions and Informative imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed the Committee after a Licensing Hearing:-**

7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
8. 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.
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10. There shall be no sales of alcohol for consumption off the premises after 23.00.
11. The external tables and chairs shall only be used between 0800 and 23.00 each day and be rendered unusable at 23:00.
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13. 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.

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15. 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) hours on the following day.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. 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
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  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
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20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. Any alcohol supplied for consumption off the premises must be in a sealed container unless consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
22. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
23. After 21:00, the premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,

(iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,

(v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Before 9pm, alcohol may only be sold to persons seated and served by waiter/waitress service and restricted to no more than 60 customers at any time, as specified.

24. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
25. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
26. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
27. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

If problems are experienced then a Review of the Licence can be made.

**This is the Full Decision reached by the Licensing Sub-Committee**

**This Decision takes immediate effect**

**The Licensing Sub-Committee**

**2 December 2021**

The Meeting ended at 2.54 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_