



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Wednesday 12th January, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Murad Gassanly (Chairman) and Rita Begum

Apologies for Absence: Councillor Susie Burbridge

1. MEMBERSHIP

There were no changes to the Membership.

2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

APPLICATIONS

1. STREET TRADING - ISOLATED PITCH 934 ORCHARD STREET, W1 WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 6

Wednesday 12 January 2022

Membership: Councillor Murad Gassanly (Chair), Councillor Rita Begum

Apologies: Councillor Susie Burbridge

Officer Support: Legal Advisor: Michael Carson
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Shannon Pring

**Application to vary the designation resolution passed by the Council on 25
July 1990 to rescind the designation of Pitch 934 Orchard Street
-21/13882/RESCIN**

FULL DECISION

Pitch Designation

Orchard St footway outside Marks and Spencer length commencing 2.13m Oxford Street side of column. (Additional length of 1.22m allowed but extra length to be a maximum height of 0.91m)

Applicant

Westminster City Council's Licensing Street Trading Team

Licence Holder

Represented by Nicola Kerr and David Chambers (West End Street Trading Association)

Ward

Marylebone High Street

Summary of Application

The Licensing Sub-Committee is asked to vary the designating resolution passed by the Council on 25 July 1990 to rescind the designation of Pitch 934 Orchard Street as recommended by officers.

Representations Received

Two representations received in support of the application
(West End Street Trading Association and a local resident)

Policy Considerations

1. Street Trading Policy

- a) Policy ST5 within the City of Westminster Statement of Street Licensing Policy relates to the designation and de-designation of street trading pitches. However, the Licensing Service requests that the committee consider this application as an exception to this policy.

Designation and De-designation- Policy ST5

- (i) *The Licensing authority will designate specific resolution for licensed street trading.*

(ii) The Licensing authority may de-designate pitches that are no longer suitable for licensed street trading.

(iii) The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances.

Policy ST5(2) states that the Licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered not suitable include:

- (a) It has not been used for trading for a period of greater than six months;*
- (b) There has been altered circumstances due to the increased pedestrian footfall resulting from altered highways layouts, public realms improvements or construction projects;*
- (c) Where there is new development and the siting and operation of the trading pitch would adversely affect local pedestrian flow or cause congestion, including close to the transport stops or stations.*

SUBMISSIONS AND REASONS

Ms Shannon Pring, the Presenting Officer, introduced the application. She advised the Sub-Committee that there was an error in the report circulated to all parties in that they recorded that any appeal against the Committee's decision to rescind the designation of street trading Pitch 934 on Orchard Street would be to the Secretary of State. She updated that any appeal was actually to the Magistrates' Court. Ms Pring further advised that the Licence Holder was being represented by the West End Street Trading Association and was not in attendance at the hearing.

Mr David Chambers, representing the Licence Holder, advised the Sub-Committee that the Licence Holder was very happy with the private agreement reached with the local stakeholder who wished to secure the designation of the street trading pitch at Orchard Street to carry out approved redevelopment. The Sub-Committee noted that there were no objections to the application.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application that **approval** be given that the designation resolution passed by the Council on 25 July 1990 be varied to rescind the designation of street trading Pitch 934 Orchard Street.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith

**The Licensing Sub-Committee
12 January 2022**

2. HEAVEN, THE ARCHES, WC2N 6NG

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 6

Wednesday 12 January 2022

Membership: Councillor Murad Gassanly (Chair), Councillor Rita Begum

Apologies: Councillor Susie Burbridge

Officer Support: Legal Advisor: Steve Burnett
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

**Application for the renewal of the sex establishment licence for Heaven, The
Arches, London, WC2N 6NG
Local Government (Miscellaneous Provisions) Act 1982 (as amended by the
Policing and Crime Act 2009) -21/08971/LISEVR**

FULL DECISION

Premises

Heaven, The Arches, London, WC2N 6NG

Applicant

Jeremy Joseph

Represented by Craig Baylis (Solicitor - Kingsley Napley LLP)

Ward

St James's

Summary of Application

Application for Renewal of an existing Sexual Entertainment Venue (SEV) Licence (20/06600/LISEVR).

There is a resident count of 166.

Representations Received

- 2 Residential Objections

Summary of issues raised by objectors

- Public nuisance caused by customers. For example shouting screaming and singing.
- Lack of response by security and the manager at the premises to control customers causing a nuisance
- The accumulation of rubbish on the pavement and public highway outside the premises

Policy Considerations

Considerations were given to City of Westminster SEV Statement of Licensing Policy 2012 and in particular, Suitability of the applicant – SU1, Entertainment carried on for the benefit of another person – SU2, the appropriate number of SEV in the locality – NO1, character of the relevant locality – LO1, Use of other premises in the vicinity – LO2, the layout, character or condition of the venue – LO3.

SUBMISSIONS AND REASONS

Mr Jackaman, the Presenting Officer introduced the application.

Mr Baylis, representing the Applicant, presented the application and provided an overview of the style of operation. The Sub-Committee was advised that the premises only operated for 2 hours per week under the SEV Licence and therefore the complaints made by the objectors were in fact relating to the operation of the premises under the Premises Licence issued under the Licensing Act 2003. This Premises Licence was not the matter before the Sub-Committee.

There have been no objections from the Metropolitan Police or Environmental Heath.

The premises operates with SIA registered door staff and also have a 'litter patrol' team. The Sub-Committee also noted that additional evidence served by the Objectors showed photographs of rubbish which was not associated to the premises.

The Objectors were not available to expand on their objections, but due consideration was given to the contents of their written submissions.

It was noted that there was no requirement on the SEV Licence or indeed the Premises Licence to have SIA registered door staff at the premises. The Sub – Committee explored whether the Applicant would consider having a condition on SEV Licence requiring SIA door staff to be used when operating under the SEV Licence. Mr Baylis submitted that this was a matter he will discuss with the Applicant.

The Legal Adviser to the Sub-Committee raised an issue in relation to the SEV and Premises Licence plans. The approved plans noted in conditions 35 on the Premises Licence and condition 25 on the SEV Licence conflicted with each other and all conflicted with the plans lodged in support of this application. The Applicant was informed by the Legal Advisor that the premises cannot trade under either licence

without being in breach of those conditions. Mr Bayliss confirmed that this would be resolved.

The Sub-Committee considered Westminster City Council's SEV Policy and in particular the following policy points:

1. Suitability of applicant – SU1. The application confirms that no relevant offences have been committed.
2. SEV carried on for the benefit of another person – SU2. The application confirms that they will not be carrying out the functions of regulated entertainment at this premises for the benefit of another person.
3. Appropriate number of SEV in a locality – NO1. This renewal would not exceed the appropriate number of sexual entertainment venues in the Westminster core CAZ north which stands as 25.
4. Character of the relevant locality – LO1 The Arches are off Villiers Street, a busy thoroughfare between Charing Cross and Embankment stations. Within a 100 metre radius of the premises, there is a resident count of 166.
5. Use of premises in the vicinity – LO2. The main use of premises in the immediate vicinity are commercial. There are no other SEV premises, schools, or places of worship in a 100 metre radius of the premises.
6. Layout, character or condition of the venue – LO3. The premises is a large nightclub spread on the ground floor. For the current Relevant Entertainment purposes, the entertainment takes place in the main dance floor area in the main room of the premises.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application to ***grant*** the application for renewal.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith

**The Licensing Sub-Committee
12 January 2022**

3. SUNSET STRIP, BASEMENT TO 1ST FLOOR, 30 DEAN STREET, W1D 3SA

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 6

Wednesday 12 January 2022

Membership: Councillor Murad Gassanly (Chair), Councillor Rita Begum

Apologies: Councillor Susie Burbridge

Officer Support: Legal Advisor: Steve Burnett
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

**Application for the renewal of the sex establishment licence Sunset Strip,
Basement to First Floor, 30 Dean Street, London W1D 3SA**

**Local Government (Miscellaneous Provisions) Act 1982 (as amended by the
Policing and Crime Act 2009) -21/10396/LISEVR**

Full Decision

Premises

Sunset Strip, Basement to First Floor, 30 Dean Street, London W1D 3SA

Applicant

Mr Anthony Curran and Mr Declan Forde

Represented by Lana Tricker (Lt Law)

Ward

West End

Summary of Application

Application for Renewal of an existing Sexual Entertainment Venue (SEV) Licence (20/08821/LISEVR).

There is a resident count of 229.

Representations Received

- 1 Residential Objection

Summary of issue raised by objector

- The current operating hours should fall in line with the pub and restaurant next door

Policy Considerations

Considerations were given to City of Westminster SEV Statement of Licensing Policy 2012 and in particular, Suitability of the applicant – SU1, Entertainment carried on for the benefit of another person – SU2, the appropriate number of SEV in the locality – NO1, character of the relevant locality – LO1, Use of other premises in the vicinity – LO2, the layout, character or condition of the venue – LO3.

SUBMISSIONS AND REASONS

Mr Jackaman, the Presenting Officer introduced the application.

Lana Tricker, representing the Applicant, presented the application and provided an overview of the style of operation and noted there were no complaints or objections about the operation from the Metropolitan Police or Environmental Heath.

The Objector was not available to expand on his objections, but due consideration was given to the contents of his written submissions.

The Sub-Committee considered Westminster City Council's SEV Policy and in particular the following policy points:

7. Suitability of applicant – SU1. The application confirms that no relevant offences have been committed.
8. SEV carried on for the benefit of another person – SU2. The Police and the Council's Licensing Inspectorate have undertaken appropriate checks and have made no comments
9. Appropriate number of SEV in a locality – NO1. This renewal would not exceed the appropriate number of sexual entertainment venues in the Westminster core CAZ north which stands as 25.
10. Character of the relevant locality – LO1 Dean Street is a small street in Soho with both pedestrian and vehicular access. Within a 100 metre radius of the premises, there is a resident count of 229.
11. Use of premises in the vicinity – LO2. The main use of premises in the immediate vicinity are commercial. There is one sex shop and one other SEV premises within a 100 metre radius of the premises. There are no schools, or places of worship in a 100 metre radius of the premises.
12. Layout, character or condition of the venue – LO3. The premises is spread over the basement and ground floor. Both the basement and ground floor areas are included within the licensable area for Relevant Entertainment purposes. The first floor is not licensed and is classified as a staff area.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided** , after taking into account all the circumstances of this application to **grant** the application for renewal.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith

**The Licensing Sub-Committee
12 January 2022**

4. ROKETSU, 12 NEW QUEBEC STREET, W1H 7RP

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 6

Wednesday 12 January 2022

Membership: Councillor Murad Gassanly (Chair), Councillor Rita Begum

Apologies: Councillor Susie Burbridge

Officer Support: Legal Advisor: Steve Burnett
Policy Officer: Aaron Hardy
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

**Application for a New Premises Licence for Roketsu, 12 New Quebec Street,
London W1H 7RP**

Full Decision

Premises

Roketsu, 12 New Quebec Street, London W1H 7RP

Applicant

Mr Kenichi Kakuta (General Manager) on behalf of Roketsu Limited

Represented by Mr Jonathan Smith (Popleston Allen Solicitors)

Ward

Bryanston and Dorset Square

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 proposes to be operated as a fine dining Japanese restaurant. Customer areas are located on the ground floor, where there is a dining space and, in the basement, which consists of a lounge area for customers who are pre- or post- dining, and a private dining

room. There is an external area at the front of the premises for seated customers, which is on privately owned land. Kitchen facilities are located on both floors, as are customer and staff WC's.

There is a resident count of 171.

Licensable Activities and Hours applied for:

Sale by Retail of Alcohol (On and off the Premises)

09:00-23:30 Monday to Thursday,
09:00-00:00 Friday to Saturday and 09:00-22:30 on Sunday

From The end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays: from 09:00 hours to 00:00 hours.

Late Night Refreshment

23.00 to 23.30 Mondays to Thursdays,
23.00 to 00.00 Fridays and Saturdays.

From The end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays: from 23:00 hours to 00:00 hours.

Opening Hours of the Premises:

09:00-00:00 Monday to Thursday,
09:00-00:30 Friday to Saturday and 09:00-23:00 on Sunday

From The end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays: from 09:00 hours to 00:30 hours.

Representations Received

- Environmental Health Services (EHO) – Mr Ian Watson
- Vittorio Borghesi - Residential Objection
- Guy Austin – Residential Objection (**Withdrawn**)

Summary of issue raised by Objectors

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
3. The restaurant's hours of operation seem to be late and not consistent with the rest of the street.

4. The proposed closing time on weekends means drunk patrons leaving the establishment, and subsequent clean-up of the premises, meaning foot fall and comings and goings until late at night (1.30am) in a highly residential street.
5. Could the closing times perhaps be scaled back? Taking into consideration neighbour's peace of mind and right to tranquillity.

Policy Considerations

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 RNT1(A) Applications outside the CIZ will normally be granted subject to Policy CD1, PS1, PN1, CH1, HRS1 and that the operation of the venue meeting the definition of a restaurant as per Clause C

SUBMISSIONS AND REASONS

Mr Jackaman, the Presenting Officer introduced the application.

Mr Smith explained that during consultation, the Applicant made the following changes to the original operating schedule and reduced the terminal hours for the sale of alcohol to Mondays to Mondays to Fridays to 23.00 and on Saturdays until 23.30.

The Applicant, during the hearing further amended his application to permit the sale of alcohol to cease at 23.00 on Saturdays and on Bank Holiday Sundays, and for the premises to close at 00.00 Fridays and Saturdays and Bank Holiday Sundays.

Mr Smith was unable to transfer the existing Premises Licences at the premises as one of the previous owners required £28,000 for their consent, and the other could not be located and therefore that Premises Licence was suspended for non-payment of the annual fees.

The Applicant then provided an overview of the style of operation. The premises will be a prime dining Japanese restaurant with 9 courses of small dishes of food at a cost of about £190.00 for the experience. There will normally be approximately 16 patrons at the premises and 2 sittings daily.

The premises opened on the 7th Dec 2021 using Temporary Event Notices (TENs) with no issues in relation to noise nuisance and the EHO officer, Mr Watson has already been to the premises and it is expected a capacity of 60 in the basement area and 8 in the external dining area.

Mr Watson, advised the Sub-Committee that he was aware of the premises and the proposed operation had been the subject of pre- application advice on the basis of the premises trading core hours. The safe capacity of the premises is a maximum of 100, with a maximum of 60 in the basement and 8 in the external dining area.

Mr Watson confirmed the premises had traded for 24 days on TENs until 00.30 without complaints.

In response to the Legal Adviser for the Sub-Committee, both Mr Watson and Mr Smith confirmed that the works conditions 31 – 33 can be deleted, and Mr Smith confirmed that all other conditions were agreed.

The Objector was not available to expand on his objections, but due consideration was given to the contents of his written submissions.

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 terminal times for the sale of alcohol and closing times at the premises and that they had agreed to all the conditions proposed by the Environmental Health Service.

The Sub-Committee noted the Applicant had worked closely with the Responsible Authorities and liaised with the two residential objectors.

The conditions, time of licensable activities and closing time would have the overall effect of promoting the licensing objectives and should alleviate any public nuisance.

In reaching its decision, the Sub-Committee concluded that the conditions imposed on the Premises licence were appropriate and proportionate and 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 and off Sale of Alcohol** Mondays to Saturdays from 09.00 to 23.00, on Sundays from 09.00 to 22.30, from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and on Bank Holiday Sundays, from 09:00 hours to 23:00 hours.
2. To grant permission for **Late Night Refreshment** Mondays to Thursdays from 23.00 to 23.30, Fridays and Saturdays from 09.00 to 00.00, from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and on Bank Holiday Sundays: from 23:00 hours to 00:00 hours.
3. To grant permission for **opening hours** of the Premises Mondays to Saturdays from 09.00 to 00.00, on Sundays from 09.00 to 23.00, from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and on Bank Holiday Sundays, from 09:00 hours to 00:00 hours.
4. That the Licence is subject to any relevant mandatory conditions.

5. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives

Conditions imposed by the Committee after a hearing

Mandatory conditions 1-8 and:

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

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

11. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed;

- Basement 60 persons
- External Terrace 8 persons

With no more than 100 persons at any one time.

12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

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

14. Substantial food and non-intoxicating beverages, including drinking water, shall be available on the premises where alcohol is sold or supplied for consumption on the premises.

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

16. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.

17. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours, save for part consumed and resealed bottles.

18. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.

19. 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.

20. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

21. No deliveries to the premises shall take place between 23:00 and 06:30 on the following day, save for fresh fish and vegetable deliveries.

22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

23. All outside tables and chairs shall be rendered unusable by 22.30 each day.

24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

25. 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.

26. Save for customers who are seated within the outside area, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

27. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

28. 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.

29. No collections of waste or recycling materials (including bottles) shall take place between 23:00 hours and 08:00 hours on the following day, unless the collection is

permitted in accordance with the times specified on the Council's website for Commercial Waste collection

30. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. If waste is not collected during the scheduled collection time it must be removed from the highway.

31. 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.

This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith

**The Licensing Sub-Committee
12 January 2022**

The Meeting ended at 10.50 am