



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 24th March, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Tim Mitchell, Heather Acton and Rita Begum

1. MEMBERSHIP

1.1 There were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. VACANT PITCH DE-DESIGNATIONS

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 6

Thursday 24th March 2022 – ITEM 1

Membership: Councillor Tim Mitchell (Chair) Councillor Heather Acton and Councillor Rita Begum

Officer Support	Legal Adviser:	Michael Carson & Horatio Chance
	Policy Officer:	Aaron Harding
	Committee Officer:	Kisi Smith-Charlemagne & Jack Robinson-Young
	Presenting Officer:	Roxsana Haq

Street Trading – Isolated Pitches

Full Decision

Pitches

Pitch 911 – Acacia Road (vacant)
Pitch 1607 – Lupus Street (vacant)
Pitch 1630 – Knightsbridge (vacant)

Pitch 1644 – Dean Bradley Street (vacant)
Pitch 1660 – Broadway (vacant)
Pitch 1692 – Crown Passage (vacant)
Pitch 1738 – Bressenden Place (vacant)

Applicant

The Licensing Authority

Ward

Abbey Road
Churchill
Knightsbridge and Belgravia
St. James

Summary of Application

The Sub-Committee considered an application from the Licensing Authority to de-designate 7 vacant pitches across 4 wards.

Representations received

- No representations were received.

Summary of issues raised by objectors

No objections were raised.

Policy Position

Policy ST5 applies under the City Council's Statement of Licensing Policy apply (SLP).

SUBMISSIONS AND REASONS

The Chair of the Sub-Committee opened proceedings by thanking retiring Councillor Begum for her contribution to the Council as a Councillor, her contributions to this Committee and for her contributions to her Ward residents. The Chair asked anyone with an interest for it to be declared, there were no declarations of interest.

The Chair asked the Licensing Service to open proceedings.

Shannon Pring from the Licensing Service introduced the agenda item of the de-designation for 7 vacant isolated pitches for street trading. The following pitches were to have their designation rescinded:

Pitch 911 – Acacia Road
Pitch 1607 – Lupus Street
Pitch 1630 – Knightsbridge
Pitch 1644 – Dean Bradley Street
Pitch 1660 – Broadway
Pitch 1692 – Crown Passage
Pitch 1738 – Bressenden Place

Covering the wards of Abbey Road, Churchill, Knightsbridge and Belgravia & St James.

There were no representations from Responsible Authorities or local residents. The Chair of the Sub-Committee asked the Sub-Committee members if they agreed to de-designate the declared pitches and there was unanimous agreement to de-designate. It was resolved that the pitches be de-designated.

Licensing Sub-Committee (6)
24th March 2022

2. REVOCATION OF PERSONAL LICENCE

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.6
(" The Committee")

Thursday 24th March 2022

Membership: Councillor Tim Mitchell (Chair) Councillor Heather Acton and Councillor Rita Begum

Officer Support Legal Adviser: Horatio Chance
Policy Officer: Aaron Harding
Committee Officer: Kisi Smith-Charlemagne & Jack Robinson-Young
Presenting Officer: Roxsana Haq

Revocation of a Personal Licence (21/00418/LIPERS)

Other Parties Present: Metropolitan Police (PC Reaz Guerra)

Full Decision

Premises

None

Applicant

Metropolitan Police Service (MPS)

Summary of Application

The Sub-Committee has determined the Revocation of a Personal Licence in the name of Mr Paul Rajasegram under the Licensing Act 2003 ("The Act"). The request has been made by the MPS due to several convictions pursuant to paragraph 18A, Schedule 4 of the Act (Personal Licence relevant offences).

Representations received

Metropolitan Police Service (PC Reaz Guerra).

Summary of issues raised by Metropolitan Police

The MPS had brought this matter before the Sub-Committee following the Personal Licence holder being convicted of sexual offences under paragraph 18A, schedule 4 of the Act. The MPS had provided evidence which included a witness statement on 9 March 2022 detailing all relevant offences and reaffirmed the need for revocation of the Personal Licence.

SUBMISSIONS AND REASONS

The Presenting Officer Ms Roxsana Haq summarised the application for the Sub-Committee. She advised that a request had been made by the Metropolitan Police to consider the Revocation of a Personal Licence in the name of Paul Rajasegaram due to convictions pursuant to paragraph 18A, Schedule 4 of the Act (Personal License relevant offences).

The Legal Advisor to the Sub-Committee had previously given advice to the Sub-Committee which included whether the name of the Personal Licence Holder should be made public and if the hearing should proceed in his absence.

The Legal Advisor stated that due to information already out in the public domain relating to Mr Rajasegaram's history and background regarding the relevant offences committed there was no real justification for details of his name to be withheld during the hearing on the grounds that he would not be prejudiced or disadvantaged as a result. It was deemed to be in the public interest for this information to be disclosed.

On the question whether the matter should proceed in the absence of Mr Rajasegaram the Sub-Committee was advised by the Licensing Authority that Mr Rajasegaram had been written to with full details of the matter and about the hearing. The Sub-Committee noted that Mr Rajasegaram was unable to attend the hearing but had the opportunity to send legal representation in his absence and had received no request for the matter to be adjourned.

The Sub-Committee decided that the hearing should not be delayed and it was in the public interest for the matter to be heard in Mr Rajasegaram's absence.

PC Reaz Guerra appearing on behalf of the MPS addressed the Sub-Committee. PC Guerra confirmed that the MPS had brought this matter before the Sub-Committee following the Licence holder being convicted of sexual offences under paragraph 18A, schedule 4 of the Licensing Act 2003. The MPS had provided evidence which included a witness statement on 9 March 2022 detailing all relevant offences and reaffirmed the need for revocation of the Personal Licence.

PC Guerra confirmed the charges were valid as stated by the Licensing Authority and had no further comments to make.

Conclusion

The Sub-Committee realises that it has duty to consider each application on its individual merits and did so when determining this application.

The Sub-Committee noted from the MPS evidence that on 3 June 2021 the Licensing Authority were notified that the Personal Licence Holder had been convicted of offences involving counts of making indecent images of children and the distribution of images of children and was given a custodial sentence as a result.

The Sub-Committee duly considered the evidence presented by the MPS and were satisfied that these were relevant offences of which the personal licence holder had indeed been convicted.

The Sub-Committee based on the evidence it had before it and the promotion of the licensing objectives particularly the Prevention and Crime and Disorder licensing objective and the Protection of Children from Harm licensing objective concluded that the Personal Licence Holder was not a fit and proper person to hold such a licence. The Sub-Committee decided that the two licensing objectives would seriously be undermined if it failed to take the necessary prompt action as a responsible and competent decision maker given the severity of the matter and the associated risk to the public.

Accordingly, in all the circumstances of the case the Sub-Committee decided that it was appropriate and proportionate to **Revoke** the Personal Licence.

In its determination of the matter the Sub-Committee had regard to the Revised Home Office Guidance issued under s.182 of the Act namely Paragraphs 4.19-4.25 on Pages 24 and 25 of the Guidance. It also had regard to the relevant provisions contained within the City Council's Statement of Licensing Policy when considering the promotion of both the Crime and Disorder and Protection of Children from Harm licensing objectives when the sale of alcohol and other licensable activities are taking place in licensed premises because of the impact on the wider community and on crime.

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

**The Licensing Sub-Committee
24 March 2022**

**3. VICTORIA EXCHANGE FOOD & WINE, 30-31 LEINSTER TERRACE,
LONDON W2 3ET**

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.6

Thursday 24th March 2022

Membership: Councillor Tim Mitchell (Chair) Councillor Heather Acton and
Councillor Rita Begum

Officer Support Legal Adviser: Horatio Chance
Policy Officer: Aaron Harding
Committee Officer: Kisi Smith-Charlemagne and
Jack Robinson-Young
Presenting Officer: Roxsana Haq

**Application for a New Premises License in respect of Victoria Exchange Food
& Wine 30-31 Leinster Terrace London W2 3ET 21/14639/LIPN**

Other Parties Present: Mr Adel Radwan (Applicant), Mr John Zamit (South East
Bayswater Residents Association)

Full Decision

Premises

30-31 Leinster Terrace London W2 3ET

Applicant

Victoria Exchange Food & Wine

Cumulative Impact Area

None

Ward

Lancaster Gate

Special Consideration Zone

None

Summary of Application

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a convenient store selling Off sales of alcohol Monday to Saturday 08:00 to 23:00 and Sunday 10:00 to 22:30. Representations were received from the Metropolitan Police Service, Environmental Health Service, The South East Bayswater Residents

Association and 1 Local Resident. The Premises is located within the Lancaster Gate Ward and is not in any area of Cumulative Impact or Special Consideration Zone.

There is a resident count of 255.

Activities and Hours applied for

Sale by Retail of Alcohol (Off only)

Monday to Saturday 08:00 to 23:00

Sunday 10:00 to 22:30

There are no seasonal variations

Hours the Premises are Open to the Public

Monday to Saturday 08:00 to 23:00

Sunday 10:00 to 22:30

There are no seasonal variations

Representations received

- Metropolitan Police (PC Reaz Guerra) **Withdrawn**
- Environmental Health (Maxwell Koduah) **Withdrawn**
- South East Bayswater Residents Association (SEBRA) (John Zamit)
- 1 Local resident

Summary of issues raised

- The Metropolitan Police and Environmental Health withdrew their initial objections after agreeing conditions with the Application regarding the potential for Public Nuisance, The Prevention of Crime and Disorder and The Protection of Children from Harm.
- SEBRA had concerns regarding deliveries and refuse collections but were happy to discuss these with the Applicant during the Sub-Committee hearing.
- The Local Resident who objected stated that this could lead to an increase in noise, anti-social behaviour and littering in the area, they provided a photograph of litter outside the Premises.

Policy Position

Policies HRS1 and SHP1 apply under the City Council's Statement of Licensing Policy (SLP).

SUBMISSIONS AND REASONS

The Presenting Officer Ms Roxsana Haq summarised the application to the Sub-Committee. She confirmed that this was an application for a New Premises Licence in respect of Victoria Exchange, Food & Wine 30-31 Leinster Terrace London W2 3ET. The application has been made by Victoria London Limited (represented by Mr Adel Radwan). The Applicant has applied for the retail sale by of alcohol Monday to Saturday 08:00 to 23:00 and Sunday 10:00 to 22:30. Full details can be found at page 35 of the report. Representations have been made by 2 interested parties, in attendance today is Mr John Zamit on behalf of SEBR. Representations were received by The Environmental Health Service and the Metropolitan Police Service, however following agreement of conditions these were withdrawn. The Premises are situated within the Lancaster Gate Ward and do not fall within the West End Cumulative Impact Zone or Special Consideration Zone.

Mr Radwan the Applicant addressed the Sub-Committee. He advised that he had had a licence for the previous 14 years without any cause of complaint, but it had lapsed. He said that the Licensing Authority had written to him explaining the process and that was the reason why a new application had been submitted.

The Sub-Committee noted that the Applicant had been in dialogue with Mr Zamit and had accepted the conditions that were on the previous licence with a few amendments regarding keeping the outside space clean and tidy.

Mr Zamit appearing on behalf of SEBRA addressed the Sub-Committee and advised SEBRA is in support for the business. SEBRA has known them a long time and do not have any specific issues with the Applicant save for one very slight issue which concerns lockable cabinets, and SEBRA would like this conditioned on the Premises Licence.

Mr Zamit then went onto say that there is a particular problem in Queensway with underage drinking and drugs but in the wider sense does not affect this Premises. SEBRA is here to support the Applicant unless we heard other things were being raised.

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application. There is no policy presumption to refuse the application.

The Sub-Committee noted that the Responsible Authorities who had objected to the application withdrew their objections after agreeing conditions with the Applicant which was welcomed by the Sub-Committee.

The Sub-Committee was satisfied that the application met the requirements of the SHP1 Policy under the City Council's SLP and that the Applicant would be a responsible operator that would run his Premises well when it came to the Off-sale provision of alcohol and the promotion of the licensing objectives.

The Sub-Committee imposed conditions on the Premises which would mean that the Applicant is responsible for the proper management of alcohol to its customers to include a requirement for Off Sales to be in sealed containers, limiting the strength of alcohol to be sold as well as limiting the shop floor area of the Premises to 15%

dedicated to the display of alcohol and for alcohol to be kept in lockable cabinets outside of the permitted hours for such sales. There are conditions that require the Applicant to have CCTV, regulate noise on the Premises and waste management and deliveries so as not to cause a nuisance to nearby residents.

The Sub-Committee concluded that the conditions it has imposed on the Premises would mitigate the concerns raised by all of those who objected to the application when it came to issues regarding nuisance and crime and anti-social behaviour in the area which will have the overall effect of promoting both the crime and disorder and public nuisance 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 and was policy compliant.

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 individual circumstances of this case and the promotion of the four licensing objectives: -

1. **To grant permission for the Sale by Retail of Alcohol (Off only)** Monday to Saturday 08:00 to 23:00 Sunday 10:00 to 22:30. There are no seasonal variations.
2. **To grant permission for the Opening Hours of the Premises:** Monday to Saturday 08:00 to 23:00 Sunday 10:00 to 22:30. There are no seasonal variations.
3. That the Licence is subject to any relevant mandatory conditions.
4. 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

5. Intoxicating Liquor is to be displayed or exposed for sale on shelving or in cabinets all of which outside of the hours of the Premises Licence can be secured behind locked metal grills or locked rigid shutters or secured behind locked cabinet doors.
6. The licence will have no effect until the CCTV and locked metal grills or locked rigid shutters or locked cabinet doors, have been assessed as satisfactory by the Metropolitan and this condition has been removed from the licence.
7. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. 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 and will include the external area immediately outside the premises entrance. 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.

9. 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.
10. 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.
11. 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.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.
14. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
15. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
16. 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.

17. 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 from the Licence by the licensing authority.
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.
19. No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day.
20. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

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

**The Licensing Sub-Committee
24 March 2022**

4. TAVUUK 3-5 BATEMAN STREET LONDON W1D 4AG

WESTMINSTER CITY COUNCIL LICENSING- SUB-COMMITTEE NO. 6

Thursday 24 March 2022

Membership: Councillor Tim Mitchell (Chairman) Councillor Heather Acton
and Councillor Rita Begum

Officer Support Legal Adviser: Horatio Chance
Policy Officer: Aaron Harding
Committee Officer: Kisi Smith-Charlemagne and
Jack Robinson-Young
Presenting Officer: Roxsana Haq

**Application for a Variation of a Premises Licence in respect of TAVUUK 3-5
Bateman Street London W1D 4AG**

Other Parties Present: Ms Emine Fezal Yurdakul of Perasolutions (Licensing Agent)
Mr Serdar Agriman (Applicant), Maxwell Koduah (Environmental Health), Jessica
Donovan (Licensing Authority) PC Dave Morgan (Metropolitan Police Service)
David Gleeson (Soho Society)

Full Decision

Premises

TAVUUK
3-5 Bateman Street
London
W1D 4AG

Applicant

Mr Serdar Agriman

Cumulative Impact Area

West End

Ward

West End

Special Consideration Zone

None

Summary of Application

The Sub-Committee has determined an application for a Variation of a Premises Licence under the Licensing Act 2003 (“The Act”). The Premises operates as a café style restaurant. The Applicant seeks to vary the terminal Opening Hours from 23:00 to 23:30 Monday to Wednesday, until 00:00 on a Thursday, until 02:00 on a Friday and Saturday and until 21:00 on a Sunday (no change) and to extend on the same basis the times for Late-Night Refreshment. The Applicant seeks also to remove Condition 19 (restaurant Model Condition 66) and replace it with restaurant Model Condition 38. Representations have been received from the Metropolitan Police Service, Environmental Health Service, The Licensing Authority and the Soho Society. There is a resident count of 106.

Activities and Hours

As per the Premises Licence

Representations received

- Environmental Health Service (EHS) (Maxwell Koduah).
- Metropolitan Police Service (MPS) (PC Dave Morgan).
- Licensing Authority (Jessica Donovan).
- Soho Society (Richard Brown)

Summary of issues raised by objectors

- The Environmental Health Service had maintained representation presenting some conditions for consideration for the premises by the Sub-Committee.
- PC Morgan from the Metropolitan Police objected to the application under the Licensing Objective to Prevent Crime and Disorder and expressed concern that this was in a CIA and applying for hours outside of core.
- The Licensing Authority had sought clarification as to the Applicants request to remove model condition 66 and regarding their operation. The Licensing Authority had queries regarding their operation and serving of alcohol and to hear an explanation as to why this would not impact the wider area as this was under a CIA policy.
- The Soho Society raised similar objections to the Responsible Authorities.

Policy Position

Policies CIP1, HRS1, RNT1 apply under the City Council’s Statement of Licensing Policy apply (SLP).

SUBMISSIONS AND REASONS

The Presenting Officer Ms Roxsana Haq summarised the application to the Sub-Committee. She advised that this was an application to vary the premises licence for Tavuuk, 3-5 Bateman Street, London W1D 4AG. The application has been brought by Mr Serdar Agriman (represented today by Emine Fezal Yurdakul of Perasolutions). The Applicant has applied to vary the licence to add late night refreshment Monday-Saturday and to remove condition 19 and replace it with amended wording and to change the opening hours. Full details can be found at

pages 68-70 of the report. Representations have been received by the Environmental Health Service (Mr Maxwell Koduah), The Licensing Authority (Jessica Donovan), Metropolitan Police Service (PC Dave Morgan) and the Soho Society (Mr David Gleeson). Additional submissions have been received by Mr Richard Brown and these have been circulated to all parties. The Premises are situated within the West End Ward and fall within the West End Cumulative Impact Zone.

Ms Yurdakul Agent for the Applicant addressed the Sub-Committee. She advised that the Applicant has been trading since 2018 and the Premises is a very small operation. It has about 15 seating covers, and they sell wraps, fries, salads, sandwiches and rice boxes. It has a current licence for the sale of alcohol from Monday-Saturday 11:00-23:00 and on Sunday from 12:00 – 16:00. The Premises has a 5 Star hygiene rating. There is a capacity of 15 patrons, food is provided and with a substantial table meal the patrons can have alcohol. There is a small selection of beers. The Applicant does not want smoking at the front of the Premises.

Ms Yurdakul said the application seeks to remove condition 19 and to have late night refreshments and would propose that Condition 19 be replaced with the following condition:-

“The supply of alcohol at the premises shall only be supplied to persons seated and taking a substantial table meal’ and also ‘the supply of alcohol shall only be supplied by waiter/waitress service only”.

Ms Yurdakul advised that after 23:00 alcohol will not be sold and after this time we propose that alcohol will be in locked cabinets. In addition, the proposed EHS conditions have been accepted. All external doors and windows will be kept closed after 23:00.

Ms Yurdakul stated that after speaking with the MPS we would like to withdraw our proposal of off-sales of hot food and would like to only have restaurant conditions for late night refreshments only. Ms Yurdakul said that granting the application will not add to the cumulative impact in the West End Cumulative Impact Zone and that each case should be considered on its merits. The Premises is very small and an extra 2 hours will not have an impact. She advised that the Applicant manages his Premises well and has had no complaints to date.

Ms Yurdakul advised that the Applicant had applied for 3 TENS and used these where 55 customers visited the Premises during this time and there were no reported issues or problems.

Ms Yurdakul said that the Premises does not attract new customers to the area and only services people in the area with complimentary tea and coffee. She advised that CCTV images had been shared of the front of the Premises and there were no queues or congregation of people.

Ms Yurdakul said that to avoid public nuisance, the Applicant will be displaying his contact number on the Premises and can be contacted anytime. A sign will also be displayed to say there is no takeaway.

Ms Donovan appearing on behalf of the Licensing Authority addressed the Sub-Committee. Ms Donovan said that a representation had been made due to the

location of the Premises being within the West End Cumulative Impact Zone. The application was originally assessed under PB1 policy, however following further examination and the agreement of conditions, the application is now being considered under FFP1. FFP1 states that it is the Licensing Authorities policy to refuse applications within the West End cumulative impact zone other than applications to vary the existing licensing hours within the Council's core hours policy (HRS1) and applications that seek to vary the existing licence as to reduce the overall capacity of the premises. The Licensing Authority note the Applicant has stated on page 99 of the main bundle that there will be no takeaways after 21:00 and would like the Applicant to elaborate on this and confirm if they are happy to accept a condition to this effect. This application does seek to add late night refreshment with the hours applied for falling outside the Councils core hours policy under the HRS1 policy.

Ms Donovan said the Applicant must demonstrate how the Premises will not add to cumulative impact within the West End cumulative impact area of CIP1 and the Sub-Committee must be satisfied that the applicant has provided exceptional circumstances to allow the application to depart from policy FFP1.

Mr Koduah appearing on behalf of the EHS addressed the Sub-Committee. Mr Koduah said that the timing for Thursday's is 30 minutes beyond core hours, Friday and Saturday is 2 hours beyond core hours. Mr Koduah said that he spoke with the Applicant and they have agreed to Model Condition 56. A representation was submitted due to the hours proposed on Friday and Saturdays which are well beyond core hours.

Mr Koduah confirmed that he had discussed with the Applicant how they will deal with patrons that turn up at the door when the Premises is already full so that they do not cause a nuisance and it would be down to the Applicant to consider how they would best manage this.

At this point Ms Yurdakul confirmed that on these days there will be extra staff and the staff will supervise the front of the Premises when the Premises is full. SIA door staff would be costly and we do not feel this is proportionate.

The Sub-Committee raised an issue regarding the management of takeaway drivers. The Applicant confirmed that they have very little drivers and they usually come on a bike. No complaints have been made when deliveries have been carried out. PC Morgan appearing on behalf of the MPS addressed the Sub-Committee. PC Morgan stated that the Police maintained their representation on similar grounds that have already been discussed. Friday and Saturday hours are well beyond core hours. He said that our initial concerns were the takeaway element attracting intoxicated people. The Applicant reducing takeaway service to 23:00 was welcomed. Proposed Model Condition 56 was also welcomed.

PC Morgan said that our main concern now is people being attracted to that venue who are intoxicated who could go to that venue to try and get in for example if a large crowd turned up and how the situation would be managed.

PC Morgan said that SIA was suggested but no agreement appears to have been reached on that. It is accepted that the Premises is small, however, this may not be viable from the Applicants perspective but this is still our preferred option. PC Morgan stated that this area in Soho is high risk for crime between Midnight to 04:00

on Friday and Saturdays so this application falls within those peak hours. The Sub-Committee queried with the MPS whether there had been any problems within this particular area and was advised that in the general area there has been, but not at this particular Premises. The Sub-Committee noted that between the period February– March there had been 35 recorded offences.

PC Morgan said that his concern is the extra staff after 23:00. If anything did happen outside or in the queue, there would need to be a qualified SIA to deal with any disruptive behaviour and would not want to see anyone get hurt.

Mr Gleeson appearing on behalf of the Soho Society addressed the Sub-Committee. Mr Gleeson referred to the representation made by the Soho Society and the comments made by Richard Brown. Mr Gleeson said that the current licence of the Premises is until 23:00 selling alcohol to closure with MC66 restaurant condition. The application is for late night refreshment inside and outdoors, well beyond core hours on Friday and Saturday. The bench outside has 3 stalls suggests it will be used for immediate consumption.

Mr Gleeson said that in terms of policy FFP1 the presumption is to refuse applications in the West End Cumulative Impact Zone. RNT1 should not be considered due to the style and operation of the Premises. He said that after 23:00 hours this attracts large groups of customers and there are already a large number of pubs and bars nearby which are all quite busy.

Mr Gleeson said the Soho Society believe if the application is granted it will attract and keep people in the cumulative impact area. He said we are prepared to accept an extension to core hours for late night refreshment Monday - Saturday subject to no further extension. We do not object to the Sunday opening until 21:00.

We do not object to the removal of MC66 and replacement of MC38 in view of the style of operation only if the hours are restricted to core hours and there is no takeaway after 23:00.

Mr Gleeson said that we love the loudness of Soho and we love living there. However, we do not want businesses' to be harmed. Bateman Street is a quiet residential street, and we do not see how this Premises will not become a honeypot if this application was granted.

Mr Gleeson said that the Sub-Committee should consider the key points raised as they are all pertinent matters for consideration when looking at the proposed later terminal hour. As far as the Soho Society are concerned, we see the Premises as a fast-food premises and we feel it will attract and keep people within the West End CIZ after 23:00.

The Sub-Committee sought clarification from the Applicant regarding the loss of daytime trade and the proposal for that to be extended to the night-time and whether they could provide a break down of the numbers coming into the Premises when they operated the 3 TENS. The Applicant confirmed this was between 23:00 to Midnight.

The Legal Advisor to the Sub-Committee explained whether Policy FFP1 should be considered and sought the views of the Licensing Authority and the Applicant. The

Applicant reiterated that they are not a fast-food Premises and were applying for restaurant conditions only with alcohol served by waiter service and customers will always be seated.

Ms Yurdakul added that we are removing our off-sales after 23:00. There will only be late night refreshment on the Premises until 02:00 on Friday and Saturday. Thursdays will be until Midnight. One staff member will be supervising the front of the Premises. It would not be cost effective for the business to have an SIA now. The Premises will have at least 3 staff members on the Premises after 23:00 Friday and Saturday. Prior to 23:00 there will be 2 staff members on the Premises. We would like this application to be granted with the additional conditions and agree for the outside bench to be rendered unusable after 23:00 hours. In terms of SIA staff this could perhaps be reviewed at some stage in the future but for now there is not sufficient trade to justify SIA and the Premises is also small.

Conclusion

The Sub-Committee noted that the Premises has had the benefit of its existing licence since 2018 and operates as a café style restaurant and was seeking to have its late-night hours extended including for the supply of alcohol only when accompanied by a substantial meal and delivered to tables by waiter service.

The Premises is small having only 18 covers and was still seeing a significant reduction in passing trade which it relied heavily upon from the general switch to moving towards home working as result of the Covid-19 pandemic. The nature of the Premises operates up until 23:00 to provide food with the sale of alcohol on the table but with no spirits. Takeaway food is available until 23:00 and there is no customer smoking at the entrance to the Premises but occasional staff smoking. The Sub-Committee noted that extending the evening opening hours would help the Applicant redeem some of the lost passing day trade. Alcohol would not be served after 23:00 hours and would be kept in a locked cabinet after this time.

The Sub-Committee noted that the Applicant had agreed conditions with the EHS regarding only serving alcohol with a substantial meal and all external doors closed after 23:00, in addition there should continue to be no fumes, steams or odours emitted from the premises.

The Sub-Committee noted also that after speaking to the Metropolitan Police, the Applicant withdrew from their application provision to service hot food Off the Premises and had provided CCTV evidence showing no signs of late-night queues into the Premises. This approach was welcomed by the Sub-Committee.

The Sub-Committee noted the concerns of the EHS about people arriving when the Premises was at capacity, demand for takeaway food, delivery drivers and potential complaints being made about the Premises to the Authority.

The Sub-Committee accepted the undertakings and guarantees given by the Applicant in respect of the management of the Premises and was reassured when he said they would ensure a member of staff supervises the entrance to the Premises to keep order from those arriving when full.

The Sub-Committee was reassured by the Applicant confirming that the Premises had very little demand for takeaway food which averaged between 5%-10% of turnover, delivery drivers were mainly on bikes (not a motorcycle) and again made up a small percentage of turnover and that there had been no complaints made to the City Council about the Premises.

The Sub-Committee noted the concerns of the MPS and had understood why their representation had been maintained due to the requested hours going on beyond core hours and the likelihood of the Premises becoming a destination venue and the history of crime in the wider area between 00:00 and 04:00 hours where crime was said to have increased statistically. However, the conditions the Sub-Committee has imposed on the licence will help assist the Premises manage the business in a way that promotes the crime and disorder licensing objective.

The Sub-Committee noted the Applicant's undertaking to remove the outside seating daily which was a bench. This is to be removed no earlier than 23:00 daily so that nuisance is not caused to nearby residents.

The Sub-Committee noted that the Applicant did not provide any evidence to support their claim that later hour's post-core would be of financial benefit. They explained that they had no hard figures to present but said their busiest evening time was until 00:00 with some surrounding third-party staff members finishing their shifts at other premises and coming to TAVUUK after work until 00:30. The Soho Society used this example to explain how the Premises could easily become a destination venue.

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the application. In terms of policy the Sub-Committee had to consider whether the Premises fell within the Fast-Food Policy namely FFP1 or the Restaurant Policy RNT1.

The Sub-Committee concluded that the predominate characteristics of the Premises are a fast-food premises but what is being offered after 23:00 hours is more of a restaurant nature style of Premises. It was noted by the Sub-Committee that the Applicant had used the TENs regime on three occasions to try and demonstrate the nature of the business model beyond core hours, but the Sub-Committee did not find that in itself sufficient evidence as exceptional reasons to grant the variation application up to 02:00 hours given the presumption to refuse such applications in the West End Cumulative Impact Zone when applying policy FFP1.

The Sub-Committee considered the evidence by the Soho Society to be well made and highly persuasive when it had to consider the proposed terminal hour of 02:00 and the likely impact of granting an extension would have on the numbers already within the West End Cumulative Impact Zone.

The Sub-Committee noted the CCTV evidence showing no queues beyond core hours, but there was not sufficient evidence to grant the licence until 02:00. The Sub-Committee decided that after 23:00 the Premises will operate under a minimum of 3 staff members (as opposed to employing SIA staff which would have been a disproportionate measure) this included being responsible for the front entrance given the Premises history of no complaints.

The Sub-Committee considered that Condition 19 should be replaced with model condition 38 which is a less onerous restaurant condition. The Sub-Committee was satisfied that the Premises would be food and not alcohol led due to the conditions imposed and for the requirement for alcohol to be served by waiter/waitress service and the cut of time for when alcohol is sold.

The Sub-Committee appreciates that it must strike the right balance when considering the needs of commercial operators and residents when determining applications of this type within an area of cumulative impact. It did not consider it appropriate or proportionate to refuse the application outright but nevertheless decided to grant the variation application from Monday through to Thursday until 23:30, Friday and Saturday until midnight where 02:00 was applied for, this would be opposed and not granted., Therefore the Sub-Committee decided that the hours for late night refreshment and the opening hours of the Premises are to be granted within core hours.

The Sub-Committee considers that the conditions it has imposed on the Premises Licence will mitigate the concerns of those who had objected and will promote the licensing objectives particularly the public nuisance and crime and disorder 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 Sub-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 individual circumstances of this application and the promotion of the four licensing objectives:

1. **To grant permission** for Late Night Refreshment (Indoors and Outdoors) Monday to Thursday 23:00 to 23:30 Friday and Saturday 23:00 to 00:00 Sunday N/A.
2. **To refuse permission** for the extended hours applied for Late Night Refreshment (Indoors and Outdoors) until 02:00 Friday and Saturday with no change on Sunday.
3. **To grant permission** for the Hours the Premises are Open to the Public Monday to Thursday 10:00 to 23:30 Friday to Saturday 12:00 to 00:00 Sunday 12:00 to 16:00.
4. **To refuse permission** for the extended Opening Hours of the Premises Monday to Wednesday 10:00 to 23:30 Thursday 10:00 to 00:00 Friday to Saturday 12:00 to 02:00 Sunday 12:00 to 21:00
5. That Condition 19 has now been replaced and varied with Model Condition 38 to remain in full force and effect as specified below as Condition 10.
6. To add conditions in the terms specified below.
7. That the varied licence is subject to any relevant mandatory conditions.

8. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
9. That the varied licence is subject to the following additional conditions imposed by the Sub-Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a licensing hearing

10. 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.

For the purpose of this condition a '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.

11. The number of seated persons inside the premises (excluding staff) shall not exceed 15 persons.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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.
17. 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.
18. The WC shall always be made available to customers during hours of operation.
19. Sale of alcohol will be ceased at 23:00.

20. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store-room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
21. The supply of alcohol shall be by waiter or waitress service only.
22. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
23. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
24. 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.
25. All outside benches shall be rendered unusable by 23:00 each day.

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

**The Licensing Sub-Committee
24 March 2022**

The Meeting ended at 12.00 pm