



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 7 April 2022**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Murad Gassanly  
Susie Burbridge  
Maggie Carman

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.00am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.

Email: [scraddock@westminster.gov.uk](mailto:scraddock@westminster.gov.uk) Tel: 0779098018  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)

**Note for Members:** Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

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

#### Licensing Applications for Determination

#### 1. 35 CRANBOURNE STREET, WC2H 7AD

(Pages 1 - 38)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's  * West End  ** None	35 Cranbourne Street WC2H 7AD	New Premises Licence	22/00800/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**2. 50-52 BAKER STREET, W1U 7BT****(Pages 39 - 66)**

<b>Ward CIA* SCZ**</b>	<b>Site Name &amp; Address</b>	<b>Application Type</b>	<b>Licensing Reference No.</b>
Marylebone High Street  * None  ** None	50-52 Baker Street W1U 7BT	New Premises Licence	22/01042/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**3. MR DICKY, GROUND FLOOR, 10-11 MOOR STREET,  
W1D 5NE****(Pages 67 - 96)**

<b>Ward CIA* SCZ**</b>	<b>Site Name &amp; Address</b>	<b>Application Type</b>	<b>Licensing Reference No.</b>
West End  * West End  ** None	Mr Dicky Ground Floor 10-11 Moor Street W1D 5NE	New Premises Licence	22/00868/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love  
Chief Executive  
31 March 2022**

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City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1.

Item No:	
Date:	07 April 2022
Licensing Ref No:	22/00800/LIPN - New Premises Licence
Title of Report:	35 Cranbourn Street London WC2H 7AD
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	27 January 2022		
<b>Applicant:</b>	Shaftesbury Covent Garden Limited		
<b>Premises:</b>	N/A		
<b>Premises address:</b>	35 Cranbourn Street London WC2H 7AD	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises intends to operate as a restaurant with external seating area within the premises demise to the front (Cranbourn Street) and to the rear (St Martin's Court).		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2005. The current premises licence 21/10737/LIPT is attached at <b>Appendix 3</b> of this report along with full licence history.		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		
<b>Applicant amendments:</b>	None		

1-B Proposed licensable activities and hours							
<b>Recorded Music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	23:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays until 01:00.					

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	23:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays until 01:00.					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays until 01:00.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	00:00
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays until 01:30.				

## 2. Representations

<b>2-A Responsible Authorities</b>	
Responsible Authority:	Environmental Health Service
Representative:	Dave Nevitt
Received:	22 February 2022
I wish to make Representations on the following grounds:	
Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.	
The hours sought for licensable activities are beyond the core hours as defined in the City Council's Licensing Policy. The premises is located in the West End CIA.	
Responsible Authority:	Metropolitan Police Service ( <i>Withdrawn 23 March 2022</i> )
Representative:	PC Dave Morgan
Received:	10 February 2022
With regards to the above, I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are <b>objecting</b> to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder.	
The venue is situated within the Special Consideration Zone and the hours sought are beyond those of Westminster Councils Core Hours Policy.	
To move forward, I think it would be beneficial if we could arrange a site visit at some point to discuss the application in more detail and to assess the venue.	
I'm off all next week and will be back on Tuesday 22 <sup>nd</sup> but should be available anytime that	

week.

***Following an agreement of conditions with the applicant, the Metropolitan Police withdrew their representation on 23 March 2022. Please see the agreed conditions at Appendix 4.***

<b>Responsible Authority:</b>	The Licensing Authority
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<b>Representative:</b>	Karyn Abbott
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<b>Received:</b>	23 February 2022
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I write in relation to the application submitted for a new premises licence for 35 Cranbourn Street, London, WC2H 7AD.

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

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

The application seeks the following:

- **Recorded Music**

Sunday to Saturday 23:00 to 01:00

Sunday 23:00 to 23:30

Non-Standard Timings: From the start time on New Year's Eve to the terminal hour for New Year's Day.

On Sundays prior to bank holidays/public holidays until 01:00

- **Late Night Refreshment**

Sunday to Saturday 23:00 to 01:00

Sunday 23:00 to 23:30

Non-Standard Timings: From the start time on New Year's Eve to the terminal hour for New Year's Day.

On Sundays prior to bank holidays/public holidays until 01:00

- **Supply of Alcohol On and Off Premises**

Sunday to Saturday 10:00 to 01:00

Sunday 12:00 to 23:30

Non-Standard Timings: From the start time on New Year's Eve to the terminal hour for New Year's Day.

On Sundays prior to bank holidays/public holidays until 01:00

- **Opening Hours to Public**

Sunday to Saturday 10:00 to 01:30

Sunday 12:00 to 00:00



Non-Standard Timings: From the start time on New Year's Eve to the terminal hour for New Year's Day.

On Sundays prior to bank holidays/public holidays until 01:30

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and PB1.

The Licensing Authority notes the operating hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises and other licensable activities, the Licensing Authority encourage that the applicant reduce the hours to be within Westminster's Core hours under HRS1 Policy;

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

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

Westminster's PB1 (B) policy states:

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

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

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

The Licensing Authority note that as part of the operating schedule the applicant has proposed the below condition.

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

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.

Westminster's PB1 Policy states that a premises would be considered as a bar under the policy if it is providing alcohol as its primary function and has the general presumption to refuse applications within the Cumulative Impact Zone. The Licensing Authority cannot consider this

application to be that of a restaurant as the applicant has only proposed model condition 66 after 9pm. As the hours with no restrictions are significantly greater than those proposed with the Sale of Alcohol with a table meal the applicant will need to demonstrate exceptional circumstances to depart from this policy.

The premises currently benefit from a separate premises licence (21/10737/LIPT) which the Licensing Authority note that MC61 has been proposed in the operating schedule so the licence will be surrendered if this application is granted.

*MC61 - No licensable activities shall take place at the premises until premises licence 21/10737/LIPT (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.*

The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

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

Please accept this as a formal representation.

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	24 February 2022		
<p>I am resident within Westminster. I strongly object to the above application as I doesn't promote the 4 licensing objectives of:</p> <ol style="list-style-type: none"> <li>1. Public Nuisance</li> <li>2. Prevention of Crime &amp; Disorder</li> <li>3. Public Safety</li> <li>4. Protection of children from harm</li> </ol> <p>The application/operation will add to cumulative impact in the West End Cumulative Impact Zone, in accordance with Policy CIP1. Cranbourne Street is very busy street. It gets very busy specially in the evening. The level of noise from patrons, smoking areas, queues, taxis, waste collecting it will add so much more nuisance and will effect public safety. In this application I see they are asking for later hour and not restaurant conditions at all times. Therefore I strongly oppose the above application and nothing more than the previous license they held, should be granted.</p>			

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	23 February 2022		

I oppose this application as it does not promote the 4 licensing objectives of:

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

The proposed application will add even more nuisance, crime and disorder in already very noisy and hot spot for crime and disorder. I would like to remind you that there are lots of residents living nearby. From what I also understood they are building two apartments in the same building on the top floors. The application is asking for extra hour from the old licence which also has a condition: Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Anything more than the old premises license they held we as residents strongly object.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	23 February 2022		

We wish to object to this application. [REDACTED]

Representing residents and businesses in this area [REDACTED]

[REDACTED] This application goes against everything we fought for. If this application is approved it would create a precedent and used to justify similar cases in the area. The premises is located within the West End Cumulative Impact Zone as defined by Westminster Council's Statement of Lic. Policy.

We do not believe the premises would promote the 4 Licensing Objectives.

At certain times of the day Cranbourn St is an exceptionally busy one way vehicle access route around Leicester Sq and on to Piccadilly, Shaftesbury Av and Soho. It is also an extremely busy pedestrian thoroughfare across Leicester Sq to China Town, Soho and Piccadilly, or the other way to Covent Grd.

Some issues we would like noted which will affect public safety or cause potential nuisance:

- \* Loud music very close to residents
- \*Smoking areas.
- \*Queue Management.
- \*Taxi drop off and pickups causing congestion.
- \*Car parking.
- \*Waste management.

Throughout the 50 years history of these premises 35 Cranbourn St has been a restaurant. The existing license states: Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as ancillary to his meal.

This is not being replicated in the new application. Restaurant conditions proposed are only after 9pm. Surely this application is for a Public House and not a restaurant. - back 20 years to noisy, aggressive, illebricated customers, and our doorways used as urinals. Is that what we really want?

We hope that this application will be refused and nothing more than the previous license granted.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed

**Received:** 23 February 2022

We strongly oppose this application as it DOES NOT promote the 4 licensing objectives of:

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

I live in Westminster with my 4 years old son and my husband and we have lived here for many years. No more bars please. This used to be a nice restaurant and had a license. I just checked online and the license for the previous restaurant that was at 35 Cranbourn Street was let to lapse. I strongly believe this was done on purpose. So they can make a new application to turn it into a bar. There are enough bars around the area. The level of noise we have every night is making our lives unbearable to live in our apartments. They want extra hours to sell alcohol. We as residents strongly object. Also this condition is very important to be kept on their license: Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed

**Received:** 24 February 2022

Cranbourn Street is already over-supplied with licensed premises. I doubt whether the arrival of this restaurant in the West End will be anything other than yet another boozier in a wasteland of boozers.

Extending the hours will create extra nuisance. There will be an exodus of customers up to 1.30am and there is a large residential building in [REDACTED].

I think you should reject this application.



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including</li> </ol>

	<p>arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>1. <b>Casinos:</b> Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.</p> <p>2. <b>Cinemas, Cultural Venues and Live Sporting Premises:</b> Monday to Sunday: 9am to 12am</p> <p>3. <b>Hotels:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.</p> <p>4. <b>Off licences:</b> Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>5. <b>Outdoor Spaces:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>6. <b>Pubs and bars, Fast Food and Music and Dance venues:</b> Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.</p> <p>7. <b>Qualifying Clubs:</b> Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>8. <b>Restaurants:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>9. <b>Sexual Entertainment Venues and Sex Cinemas:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<b>Policy RNT1 applies</b>	A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

	<ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>
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#### 4. Equality Implications

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

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

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

#### 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Existing premises licence and premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service	22 February 2022
<b>5</b>	Metropolitan Police Service ( <i>Withdrawn 23 March 2022</i> )	10 February 2022
<b>6</b>	The Licensing Authority	23 February 2022
<b>7</b>	Interested party 1	24 February 2022
<b>8</b>	Interested party 2	23 February 2022
<b>9</b>	Interested party 3	23 February 2022
<b>10</b>	Interested party 4	23 February 2022
<b>11</b>	Interested party 5	24 February 2022





**Applicant Supporting Documents**

**Appendix 2**

There are no supporting document from the applicant.



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

Schedule 12  
Part A

WARD: St James's  
UPRN: 999000144468

Premises licence

Regulation 33, 34

Premises licence  
number:

21/10737/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

Piazza Restaurant  
35 Cranbourn Street  
London  
WC2H 7AD

**Telephone Number:** 020 7379 6867

**Where the licence is time limited, the dates:**

N/A

**Licensable activities authorised by the licence:**

Regulated Entertainment:

- Playing of Recorded Music
- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Late Night Refreshment

Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

Regulated Entertainment:

- Playing of Recorded Music: Unrestricted
- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted

Late Night Refreshment: Monday to Saturday - 23:00 to 00:30

Late Night Refreshment: Sunday - 23:00 to 00:00

Sale by Retail of Alcohol: Monday to Saturday - 10:00 to 00:00

Sale by Retail of Alcohol: Sunday - 12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday - 10:00 to 00:30  
Sunday - 12:00 to 00:00

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

On and Off

**Part 2**

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

Shaftesbury Covent Garden Limited  
22 Ganton Street  
Carnaby  
London  
W1F 7FD

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

03154145

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

**Name:** Esawy Mostafa Kenawy

***Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.***

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** Not Supplied

**Licensing Authority:** Not Supplied

**Date:** 13 December 2021

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions for Sale of Alcohol**

- 9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- 10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

- 11. Alcohol may be sold or supplied:
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
  - (c) On Christmas Day: 12:00 to 22:30;
  - (d) On New Year's Eve, except on a Sunday, 11:00 to 23:00.
  - (e) On New Year's Eve on a Sunday, 12:00 to 22:30.

- (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.



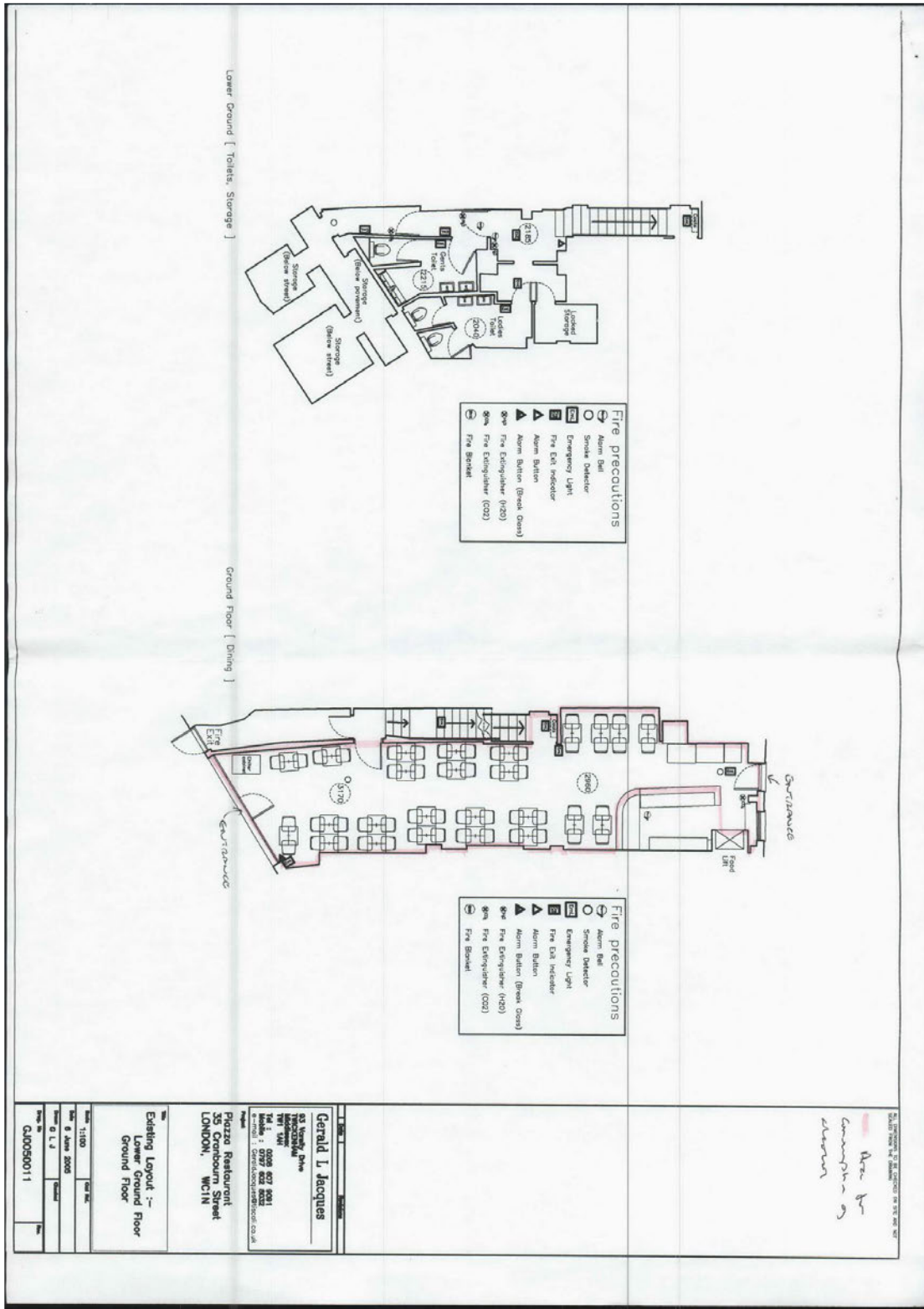
## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

None

Annex 4 – Plans





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

Schedule 12  
Part B

Premises licence  
summary

WARD: St James's  
UPRN: 999000144468

Regulation 33, 34

Premises licence  
number:

21/10737/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

Piazza Restaurant  
35 Cranbourn Street  
London  
WC2H 7AD

**Telephone Number:** 020 7379 6867

**Where the licence is time limited, the dates:**

N/A

**Licensable activities authorised by the licence:**

Regulated Entertainment:

- Playing of Recorded Music
- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

Regulated Entertainment:

- Playing of Recorded Music: Unrestricted
- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted

Late Night Refreshment: Monday to Saturday - 23:00 to 00:30

Late Night Refreshment: Sunday - 23:00 to 00:00

Sale by Retail of Alcohol: Monday to Saturday - 10:00 to 00:00

Sale by Retail of Alcohol: Sunday - 12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday - 10:00 to 00:30  
Sunday - 12:00 to 00:00

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

On and Off

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

Shaftesbury Covent Garden Limited  
22 Ganton Street  
Carnaby  
London  
W1F 7FD

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

03154145

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

**Name:** Esawy Mostafa Kenawy

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

Restricted

**Date:** 13 December 2021

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing

### Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/05759/LIPC	Conversion Licence  <b>Playing of Recorded Music:</b> Unrestricted  <b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit:</b> Unrestricted  <b>Late Night Refreshment:</b> Monday to Saturday 23:00 to 00:30 Sunday 23:00 to 00:00  <b>Sale by Retail of Alcohol:</b> Monday to Saturday 10:00 to 00:00 Sunday 12:00 to 23:30	16.08.2005	Granted under Delegated Authority
06/04526/WCCMAP	Master Licence	16.08.2005	Granted under Delegated Authority
21/10737/LIPT	Application to Transfer the licence - Mr Hassan Fakrouni to Shaftesbury Covent Garden Limited	25.11.2021	Granted under Delegated Authority

There is no Temporary Event Notice or appeal history.

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

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

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

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

**Mandatory Conditions**

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

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

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

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



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

## Conditions consistent with the operating schedule

9. The 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. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. All outside tables and chairs shall be rendered unusable by 23:00 each day.
14. 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.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. 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.
17. Save in accordance with condition 25 below, sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
19. 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.
20. 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 at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
22. 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.
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 take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- 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.
24. Before 21:00, in the area hatched black on the licence plans, alcohol may only be sold to persons seated and served by waiter/waitress service.
25. The sale and supply of alcohol for consumption off the premises shall be restricted alcohol consumed (i) at outside tables and chairs within the premises demise as shown on the licence plan; and/or (ii) by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway; and shall be by waiter or waitress service, served only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal, save where condition 16 applies.
26. 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.

27. 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.
28. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
29. No licensable activities shall take place at the premises until premises licence 21/10737/LIPT (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

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

30. All staff at the premises shall receive Welfare And Vulnerability Engagement (WAVE) training, which shall be refreshed annually.
31. Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request. 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.

**Conditions proposed by the Environmental Health Service**

None



**Resident Count: 144**

<b>Licensed premises within 75 metres of 35 Cranbourn Street, London, WC2H 7AD</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
21/10737/LIPT	Piazza Restaurant	35 Cranbourn Street London WC2H 7AD	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/02206/PREAPM	Not Recorded	35 Cranbourn Street London WC2H 7AD	Not Recorded	
14/02708/LIPV	Cafe Koha Bar	10-11 St Martin's Court London WC2N 4AJ	Restaurant	Sunday; 10:00 - 02:30   Monday to Saturday; 10:00 - 04:30
19/16525/LIPDPS	The Brewmaster	37 Cranbourn Street London WC2H 7AD	Pub or pub restaurant with lodge	Sunday; 08:00 - 23:00   Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:30
12/01174/LIPT	Westminster Noodle Bar	Ground Floor 33 Cranbourn Street London WC2H 7AD	Restaurant	Friday to Saturday; 10:00 - 05:00   Sunday to Thursday; 10:00 - 02:00
21/07319/LIPDPS	Essentials	Unit 1 Leicester Square Station Charing Cross Road London WC2H 0AP	Kiosk within another property	Monday to Sunday; 07:00 - 22:00
20/07482/LIPCH	Angus Steak House	Basement And Ground Floor Part 20 Cranbourn Street London WC2H 7AA	Restaurant	Sunday; 10:00 - 00:00   Monday to Saturday; 10:00 - 01:00   Sundays before Bank Holidays; 10:00 - 01:00
21/06387/LIPDPS	Pizza Express	Basement And Ground Floor 80 - 81 St Martin's Lane London WC2N 4AA	Pub or pub restaurant with lodge	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/10950/LIPVM	Wok To Walk	22 Cranbourn Street London WC2H 7AA	Restaurant	Sunday; 10:00 - 23:00   Monday to

				Thursday; 10:00 - 03:00   Friday to Saturday; 10:00 - 04:00
20/03761/LIPCH	Wok To Walk	21 Cranbourn Street London WC2H 7AA	Sales kiosk	Monday; 23:00 - 05:00   Tuesday; 23:00 - 05:00   Wednesday; 23:00 - 05:00   Thursday; 23:00 - 05:00   Friday; 23:00 - 05:00   Saturday; 23:00 - 05:00   Sunday; 23:00 - 05:00
21/07659/LIPDPS	Wyndhams Theatre	Wyndhams Theatre Charing Cross Road London WC2H 0DA	Theatre	Monday; 09:00 - 01:00   Tuesday; 09:00 - 01:00   Wednesday; 09:00 - 01:00   Thursday; 09:00 - 01:00   Friday; 09:00 - 01:00   Saturday; 09:00 - 01:00   Sunday; 09:00 - 01:00
19/02152/LIPDPS	Browns Restaurant	82-84 St Martin's Lane London WC2N 4AG	Restaurant	Monday to Sunday; 08:00 - 00:00   Thursday to Saturday; 08:00 - 01:30   Sunday to Wednesday; 08:00 - 00:30
19/12259/LIPVM	Curry House CoCo Ichibanya	15 - 18 Great Newport Street London WC2H 7JE	Restaurant	Monday to Sunday; 11:00 - 23:00
20/02183/LIPDPS	Sartori	15 - 18 Great Newport Street London WC2H 7JE	Restaurant	Monday to Sunday; 07:00 - 00:30
21/12409/LIPDPS	Mildreds	Ground Floor 79 St Martin's Lane London WC2N 4AA	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
21/04386/LIPDPS	The Porcupine Public House	48 Charing Cross Road	Public house or pub restaurant	Sunday; 07:00 - 22:30

		London WC2H 0BS		Sunday; 07:00 - 00:00   Monday to Thursday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
21/06615/LIPDPS	Noel Coward Theatre	Noel Coward Theatre 85-89 St Martin's Lane London WC2N 4AU	Theatre	Monday to Sunday; 09:00 - 01:00
21/12047/LIPDPS	Spaghetti House	24 Cranbourn Street London WC2H 7AB	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/07520/LIPV	KFC	43 Charing Cross Road London WC2H 0AP	Restaurant	Monday to Sunday; 10:00 - 01:00
21/06269/LIPT	PizzaExpress	43 Charing Cross Road London WC2H 0AP	Restaurant	Sunday; 07:00 - 00:00   Monday to Saturday; 07:00 - 00:30   Sundays before Bank Holidays; 07:00 - 00:30
20/07538/LIPT	PizzaExpress	43 Charing Cross Road London WC2H 0AP	Restaurant	Sunday; 07:00 - 00:00   Monday to Saturday; 07:00 - 00:30   Sundays before Bank Holidays; 07:00 - 00:30
18/11671/LIPDPS	Round Table Public House	26-27 St Martin's Court London WC2N 4AL	Public house or pub restaurant	Sunday; 07:00 - 22:50   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank



				Holidays; 07:00 - 23:30
09/06144/LIPDPS	Gaby's Continental Bar	30 Charing Cross Road London WC2H 0DE	Shop	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/08974/LIPDPS	J Sheekey	28-32 St Martin's Court London WC2N 4AL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
18/03438/LIPV	Cafe Fiori	42 Cranbourn Street London WC2H 7AN	Cafe	Sunday; 12:00 - 05:00   Monday to Saturday; 10:00 - 05:00
22/02345/LIPCH	PF Changs	10-11 Great Newport Street London WC2H 7JA	Restaurant	Sunday; 10:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sundays before Bank Holidays; 12:00 - 00:00
16/11140/LIPN	Aviva (Shadow)	10-11 Great Newport Street London WC2H 7JA	Premises Licence - Shadow Licence	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
21/03361/LIPDPS	Gordon Ramsay Street Burger	24 Charing Cross Road London WC2H 0HX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/14708/LIPRW	WingWing	47 - 49 Charing Cross Road London WC2H 0AN	Restaurant	Sunday; 08:00 - 23:00   Monday to Saturday; 07:00 - 00:00
21/01207/LIPDPS	WingWing	47 - 49 Charing Cross Road London WC2H 0AN	Restaurant	Sunday; 08:00 - 23:00   Monday to Saturday; 07:00 - 00:00
21/10740/LIPDPS	The Salisbury Public House	The Salisbury Public House 90 St Martin's Lane London WC2N 4AP	Public house or pub restaurant	Thursday; 07:00 - 00:30   Sunday; 07:00 - 22:30   Sunday; 07:00

				- 23:30   Monday to Wednesday; 07:00 - 00:00   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 01:00   Friday to Saturday; 07:00 - 00:00
21/12669/LIPV	Hippodrome Casino	The Hippodrome 10 - 14 Cranbourn Street London WC2H 7JH	Casino or gambling club	Monday; 00:01 - 00:00   Tuesday; 00:01 - 00:00   Wednesday; 00:01 - 00:00   Thursday; 00:01 - 00:00   Friday; 00:01 - 00:00   Saturday; 00:01 - 00:00   Sunday; 00:01 - 00:00
18/13918/LIPDPS	The Alchemist	Garrick House 63 - 66 St Martin's Lane London WC2N 4JS	Restaurant	Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 00:30   Sundays before Bank Holidays; 09:00 - 00:30

# Licensing Sub-Committee Report

Item No:	
Date:	07 April 2022
Licensing Ref No:	22/01042/LIPN - New Premises Licence
Title of Report:	50 - 52 Baker Street London W1U 7BT
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	2 February 2022		
<b>Applicant:</b>	Pinq Limited		
<b>Premises:</b>	Pinq		
<b>Premises address:</b>	50 - 52 Baker Street London W1U 7BT	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application the premises plan to run the venue as a high end cheesecake cafe. They will also be selling an exclusive coffee brand brewed only for Pinq Ltd.		
<b>Premises licence history:</b>	This application is for a new premises, and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	As part of the application form, the applicant provided the following information: <i>"The premises has been set out to have a high-class restaurant feel where diners will be treated to occasional live music to compliment the ambient relaxed setting. The application has been completed as if the venue were a traditional restaurant serving food and drink, which obviously it will not be as there will be no service of alcohol at the premises, just quality desserts and coffee."</i>		
<b>Applicant amendments:</b>	None.		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	05:00	05:00	05:00	05:00	05:00	05:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>			Any day preceding a bank holiday 23:00 - 05:00				

<b>Live Music</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	05:00	05:00	05:00	05:00	05:00	05:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>			Any day preceding a bank holiday 23:00 - 05:00				

Recorded Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	05:00	05:00	05:00	05:00	05:00	05:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>		Any day preceding a bank holiday 23:00 - 05:00					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	05:00	05:00	05:00	05:00	05:00	05:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>		Any day preceding a bank holiday 23:00 - 05:00					
<b>Adult Entertainment:</b>		None					

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Dave Morgan
<b>Received:</b>	25 February 2022 ( <b>withdrawn 28 March 2022</b> )
<p>I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are <b>objecting</b> to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder.</p> <p>The hours sought are well beyond those of Westminster Council's Core Hours policy and I require more information on why these hours are necessary and how the venue will not add to the cumulative impact in and already demanding area.</p> <p>To move forward, can you please supply me with further information on how the venue will be managed and what the concept of the venue will be. I appreciate that there will be no alcohol served at the venue, but I note on the plans, the addition of a DJ booth and stage and I just need to know how these will be utilised and whether any further conditions are required.</p> <p>If you feel that a site visit would be beneficial, please let me know and we could arrange a day that suits you.</p> <p><b>Following the agreement of conditions with the applicant the Metropolitan Police Service withdrew their objection on 28 March 2022.</b></p>	

<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	25 February 2022

I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.

The applicant is seeking the following activities:

1. Performance of live music indoors at the following times:

- Monday – Saturday 23:00 – 05:00 hours
- Sunday 23:00 – 03:00 hours
- Sunday preceding Bank Holiday 23:00 – 05:00 hours

2. Playing of recorded music indoors at the following times:

- Monday – Saturday 23:00 – 05:00 hours
- Sunday 23:00 – 03:00 hours
- Sunday preceding Bank Holiday 23:00 – 05:00 hours

3. Provision of late-night refreshment indoors & outdoors at the following times:

- Monday – Saturday 23:00 – 05:00 hours
- Sunday 23:00 – 03:00 hours
- Sunday preceding Bank Holiday 23:00 – 05:00 hours

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

1. The hours requested to perform live music may have the likely effect of causing an increase in Public Nuisance within the area
2. The hours requested to play recorded music may have the likely effect of causing an
3. increase in Public Nuisance within the area
4. The provision of supply of late-night refreshment and the hours requested ay have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within area

It is not clear why a cheesecake café would want to play recorded music and perform live music for the proposed hours bearing in mind these are high risk public nuisance activities. This will be discussed further with applicant.

The accompanying floor plan has identified an outside area included as part of the proposed licenced area in red line. Unless the outside area is privately owned and part of

applicant's demise, it has to be excluded from the area demarcated by a red line.  
A revised plan with this correction will have to be submitted to the licencing team.

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

Conditions, in addition to those contained within the operating schedule, have been proposed to support the licensing objectives of Prevention of Public Nuisance and Public Safety. Applicant is advised to study these conditions and discuss same if they are minded.

**Proposed Environmental Health conditions in addition to those contained within the operating schedule**

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as cheesecake café
2. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 05:00 hours on the following day
3. 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
4. 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
5. The licence holder shall ensure that there is no queuing outside the premises between 23:00 and 05:00 hours
6. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

**Condition 14 within operating schedule to be replaced with:**

7. All windows and external doors shall be kept closed after **23:00** hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons

Please contact me if you are minded discussing any of the matters above.

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	28 February 2022		
<p>On behalf of the Marylebone High Street Ward Councillors I am writing to object to the above application as it will not promote the Licensing Objectives namely, Prevention of Public Nuisance, Crime and Disorder and Children from Harm.</p> <p>The hours sought of 23:00 - 0:500 for Live Music Mon- Sat and 23:00 - 0:300 Sundays and LNR 12:00 -05:00 Mon- Sat and 12:00- 03:00 Sundays are beyond Core Hours and will lead to disturbances for residents as this is a very residential neighbourhood.</p> <p>The applicant has not given an explanation of how the premises would be managed and why these hours are being sought.</p> <p>Thank you for your consideration,</p>			
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>		<b>In support or opposed:</b>	
<b>Received:</b>	28 February 2022		
<p>This representation is made by the Marylebone Association, the amenity society for this location recognised by Westminster. We are objecting because, as it stands, we believe that the application would lead to contravention of Licencing Objective PN1.</p> <p>We are intrigued by the unusual style of business and are very interested to see how such a new venture will thrive. However, although we welcome the novelty we are extremely concerned about the hours, the live music and the large capacity. In addition we note that the application seeks to licence an area with a large number of covers outside on the forecourt where we think late hours are entirely inappropriate.</p> <p>We are worried that because a licence is for the premises and not the applicant there is a possibility the applicant could sell on the business with a 5am licence which could then morph into something entirely different. We therefore believe that if any licence were to be granted we would suggest core hours should be imposed and in addition the use of tables and chairs outside should end at 8:00pm.</p> <p><b>Additional submission from the interested party dated 21 March 2022:</b></p> <p>Dear Mr Conisbee</p> <p>Thank you for the letter dated 14<sup>th</sup> March regarding the licence application for 50-52 Baker Street.</p> <p>You state that Marylebone serves, in particular, the Arab and wider Middle East community. We find this a very surprising statement. We would agree that the Edgware Road has a reputation for gatherings of Middle Eastern clients but would maintain that the rest of the Marylebone area has no more than usual concentration of Lebanese and Persian restaurants as found elsewhere in London. The idea that Baker Street is to become the new Edgware Road, a focus of Middle Eastern clients, is not entirely welcome. There appears to be a trend for new cafes to move east</p>			



from Edgware Road and in almost every case they go on to serve shisha which a huge majority of Marylebone residents find objectionable. Westminster Council itself has expressed concern about this ("Reducing the Harm of Shisha: Towards a Strategy for Westminster." February 2017).

We are also of the opinion that the City's policy on Core Hours is in place for a very good reason. It is totally accepted that without the service of alcohol the risk of rowdy behaviour from customers is likely reduced but the lack of alcohol does not mean that nuisance is negated. You explain that clientele would normally start their evenings later than others and go on until the small hours. Experience in London, and for that matter the Middle East, would suggest that the nuisance comes more from the noise created by groups arriving and departing and the use of expensive cars and is as bad as, or worse than, a bunch of drunken Europeans. Ferraris and Lamborghinis coming and going in Baker Street at 4:00 in the morning really is not a welcome prospect.

You also refer to membership after midnight. "Entry to the premises after midnight will be strictly for members only". This is the first reference to membership which implies some form of club. How does this operate? What are the membership terms? How does this protect the public from nuisance?

We thank you for writing to us but unfortunately, we do not feel that this allows us to withdraw our objection at this time.

[REDACTED]

[REDACTED]

Licensing  
Marylebone Association  
21/3/2021

3.	<b>Policy &amp; Guidance</b>
The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Hours Policy HRS1 applies</b>	<p><b>A.</b> Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p><b>B.</b> Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li><b>1.</b> The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li><b>2.</b> If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li><b>3.</b> Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li><b>4.</b> The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li><b>5.</b> The proposed hours when any music, including incidental music, will be played.</li> <li><b>6.</b> The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li><b>7.</b> The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li><b>8.</b> Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li><b>9.</b> The capacity of the premises.</li> <li><b>10.</b> The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li><b>11.</b> The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li> <li><b>12.</b> Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</li> </ol>

**13.** The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

**14.** Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

**C.** For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

**1. Casinos:** Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.

**2. Cinemas, Cultural Venues and Live Sporting Premises:** Monday to Sunday: 9am to 12am

**3. Hotels:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.

**4. Off licences:** Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.

**5. Outdoor Spaces:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

**6. Pubs and bars, Fast Food and Music and Dance venues:** Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.

**7. Qualifying Clubs:** Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

**8. Restaurants:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

**9. Sexual Entertainment Venues and Sex Cinemas:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

**D.** Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

	<p><b>E.</b> For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Restaurant Policy RNT1 applies</b></p>	<p><b>A.</b> Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p><b>C.</b> For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### **4. Equality Implications**

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

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

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

<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Ms Roxsana Haq Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	1 <sup>st</sup> October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service	25 <sup>th</sup> February 2022
<b>5</b>	Environmental Health Consultation Team	25 <sup>th</sup> February 2022
<b>6</b>	Interested Party 1	28 <sup>th</sup> February 2022
<b>7</b>	Interested Party 2	28 <sup>th</sup> February 2022





**LICENSING CONSULTANCY**

Peter Conisbee  
Unit 16829  
PO Box 6945  
London  
W1A 6US

To;  
Mr Maxwell Koduah – EH Consultation Team  
Pc David Morgan – Metropolitan Police

With regard to Premises Licence Application by  
Pinq Ltd for 50-52 Baker Street, W1U 7BT

14th March 2022

Dear All,

Thank you for the time taken to respond to this application, the applicant has already responded during the consultation process to both the police and the EH consultation team. During the consultation a number of matters were discussed, the application varied, and additional conditions put forward. I shall detail these later.

Much has been spoken about the type of business that the applicant wishes to run at these premises. In short, it is a form of restaurant focussing on desserts, and cheesecake in particular. Whilst there are numerous restaurants to visit in the area, none have such a vast selection of desserts as they intend to have at 50-52 Baker Street.

The Marylebone area has been chosen specifically by Pinq due to the diverse community the area serves, and in particular the Arab and the wider Middle Eastern community. It is already home to the top Arabic restaurants in the UK, and Pinq anticipate being part of that elite. Cheesecake has for many years been incredibly popular amongst the Arab community and in the Middle East with numerous companies investing millions to satisfy the dessert needs of their customers. The most popular brand demanded by customers is from the USA from a company aptly named, The Cheesecake Factory, and until Pinq arrived, there was no planned importation from the USA. This is about to change with Pinq being the sole importer from the USA of their cheesecake.

Pinq will have up to 50 different types of cheesecake on their dessert menu. Whilst some diners will come to the premises for a lavish three course meal, it is highly anticipated that many will come purely for the desserts. The applicants have invested in research and that is why this premises is prime location. They expect to reap rewards from businesses and residents in the area as there are no other such venues in the Westminster area, let alone the Marylebone area.

The reasoning for the venue requesting hours till 5am is simple. The clientele as stated above often do not leave their homes to dine till far later in the evening and look to remain in the one premises to the early hours. Concessions have now been made for this as you will note later on. We responded to Mr Koduah's representation during consultation and explained a number of queries which for clarity and transparency I repeat here.

He raised concerns over why a cheesecake café would want to play recorded music and perform live music for the proposed hours. *The licensee has no intention of any loud music emanating from the premises, this is out of the question as it is completely against the*

*ambience that the licensee is trying to build. A soloist, acoustic guitar – this is more along the lines of the licensee's idea. The licensee wants to build a relaxing environment where people can visit the premises at the end of a stressful day, or evening out. They can relax and unwind. This has now been further conditioned as you will note further on.*

The accompanying floor plan has identified an outside area included as part of the proposed licenced area in red line. Unless the outside area is privately owned and part of applicant's demise, it has to be excluded from the area demarcated by a red line. A revised plan with this correction will have to be submitted to the licencing team. *The outside area is part of the buildings demise, hence it's inclusion – but given that you have requested the removal of the tables and chairs from 2300, then it would be pointless to include it – the floor plan has been amended and does not include the outside area. The new floor plan is attached to this letter.*

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

We would argue that not to be the case for a number of reasons.

We have already submitted a safeguarding condition at point 16 within our operating schedule.

We are not offering any alcoholic drinks.

We are promoting an atmosphere of relaxation for the customers to sit and unwind

We anticipate this venue to attract a certain type of clientele, overwhelmingly couples and small groups of friends.

We genuinely believe people that have enjoyed time at our premises will leave in a calm and relaxed manner, there will be nothing to 'hype' a person up at the premises.

Suggested conditions at 11, 12, 13, 14, 17, 18, 23, 25, 26 and 28 all provide assurances to prevent public nuisance and promote public safety.

### **Proposed Environmental Health conditions in addition to those contained within the operating schedule**

All of which are agreed by the applicant.

8. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as cheesecake café.
9. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 05:00 hours on the following day.  
*Our suggested condition at point 20 is actually stronger than this condition as we suggest no deliveries between 2100 and 0800*
10. 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.
11. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 140 persons.
12. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
  - a. the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
  - b. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,



- c. The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
  - d. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and
  - e. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
13. The licence holder shall ensure that there is no queuing outside the premises between 23:00 and 05:00 hours Whilst we expect the premises to be very popular as a one of its kind in the area, we do not anticipate any issues with queues
14. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

**Condition 14 within operating schedule to be replaced with**

15. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons Agreed as per our suggested condition at point 14

With regard to the term DJ Booth, it's perhaps somewhat misleading – there is no intention whatsoever of having any regular form of DJ attending the premises and blasting out tunes as one may imagine. Yes, there will be decs installed but, for a very different purpose.

My client already has enquiries for book readings (for launches) and for music artists to hold listening parties to their new releases. The DJ booth would be used for such purposes – perhaps it is better considered like a presentation area. They also hope to hold other forms of events such as presentations, poetry readings, recitals etc. My client does have an acoustic consultant on hand who has assisted with the installation of speakers and cabling etc. The levels have been set so as not to cause any disturbance to any neighbours. In any case, this will be a venue where people are seated, so my client does not want any music to disturb those that have entered the premises the premises to eat/drink and perhaps un-associated with any particular event/reading/recital taking place.

The applicant, Mr Koduah and I met on the 1st of March at the premises, which is still under redevelopment. The business was further explained to Mr Koduah by the applicants and variations to the application operating schedule were agreed as below.

1. From midnight to closing, the premises will operate on-sale only of late Night Refreshment.
2. Between midnight to closing all music, live and recorded will be set at background level.
3. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
  - a. the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
  - b. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
  - c. The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
  - d. No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and

- e. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
4. There will be no provision of 'fast-food' from the premises.
5. After 2300 hours there will be a minimum of two SIA registered door supervisors at the premises until 15 minutes after the venue closes.
6. Entry to the premises after midnight will be strictly for members only.  
A list of the names and addresses of members shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the council
7. From 2300 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, will be limited to 8 persons at any one time.

With regard to the objections by Cllr Scarborough and Mr Austin, my client has never set out to cause any concern regarding his impending operation. The improvements to the operating schedule were in large part already considered as part of the overall operating plan of the premises. In discussion with Mr Koduah, we believe that these have been cemented. Along with additional safeguards that the applicant wanted to include to ensure the residents, and the responsible authorities that this is not going to be a premises of concern.

Beyond all else the premises is a restaurant, additional activities will not detract from the dining experience, merely enhance it. The new conditions give assurance that music will not be blaring out and that it is not a live music venue per se. A limit on occupancy, security after 11pm and a member only scheme after midnight all add to a very tight schedule. The two most prominent provisions associated with disorder and public nuisance, alcohol and fast food, will not be served here. To that end, it is not comparable to any other late night premises, because the point being, there are none like it!

Considerate tailoring of new and amended conditions so that it cannot morph into something untoward without the submission of a full variation application have been implemented. Such huge investment has been put into this project that there is no intention whatsoever of moving on. The applicant has done a wealth of research into the business and the location and is confident that it will be a long lasting venture. One which we believe will be of benefit to our 24 hour city, night and day.

Should you wish to discuss the application or any of the finer points in more detail, please do not hesitate to contact me. Should you wish to visit the premises (albeit it is still under reconstruction), the applicant would be more than happy to meet you on site and discuss and concerns you have.

Kind Regards

Peter

Peter Conisbee Q.Inst.Pa  
Licensing Consultant and Independent Commercial Energy Broker  
[www.plicensing.co.uk](http://www.plicensing.co.uk)  
07877 851 048



Peter Conisbee  
Unit 16829  
PO Box 6945  
London  
W1A 6US

## LICENSING CONSULTANCY

To;  
Mr Maxwell Koduah – EH Consultation Team  
Pc David Morgan – Metropolitan Police

[REDACTED]  
[REDACTED]

With regard to Premises Licence Application by  
Pinq Ltd for 50-52 Baker Street, W1U 7BT

Thursday 24th March 2022

Dear All,

For transparency I write to you all to keep you updated.

My clients have agreed the following two conditions with the police, but I must point out, their objection still remains due to the hours sought.

- **A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours on Sunday to Thursday and 2100 hours on Friday, Saturday and days preceding a bank holiday until close. Whilst on duty they must correctly display their SIA licence(s) when on duty so as to be visible.**
- **Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request. 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.**

We have received a letter from the Marylebone association in response to our letter to you all. I'd like to cover off and answer the points raised in the letter.

- My clients have conducted their own research as to why this would be a suitable venue and location for their new business. It is your opinion against their research and statistics as to the demographic of the area.
- There has been no discussion or mention of shisha in this application.

- The use of expensive cars in the Westminster area is part and parcel of that area as its prestige attracts wealth of all nationalities.
- As has been stated, there will be door staff at the premises, not only will it be their duty to assist the safe passage of customers in and out of the venue, but also their task to ensure minimum disturbance at the premises. This would extend to their arrival and departure methods. That said, there are no residents living in close proximity to the premises. We are aware of the two flats in the block above the premises. These are owned by the landlord who is in support of the application and has not submitted an objection.
- The benefit to having a members only scheme is enormous. The applicants always intended having a members only scheme but were going to incorporate it into their business at later date. This would permit customers to sample the venue at all hours of opening before committing to the scheme. Hence this was not initially included in the operating schedule. Such membership means that the customers have more 'ownership' of the venue. As with any premises, licensed or otherwise, their actions will directly affect the venue. If they do not behave in an appropriate manner akin to that which the venue demands, their details are known and they will no longer be afforded their membership. It is of benefit to them to ensure that they behave appropriately coming to, inside and leaving the premises. At any time the authorities can attend the venue and ask to see details of members. It is not a club, such membership schemes operate across the country at similar venues to ensure a form of ownership and respect.

Lastly, Westminster City Council planning department have raised no objection to the opening hours. Prior to obtaining the property, my clients planning consultant researched the available public records relating to applications at 50-52 Baker Street. There are no available records regarding a change of use or any conditions present in any of the approved planning consents restricting the opening hours of the restaurant. Conversely, the exclusion of opening hours would be interpreted that it would be permissible for the business to operate without limitations to the opening hours.

Given that, the applicants would be permitted to operate the premises during the hours they have requested whether they be licensed or not.

The overriding benefit of the applicants being granted a licence, is that the premises will be afforded all of the safeguards included within this application. The alternative is that they continue their business with the same hours as applied for without hot food/drink, regulated entertainment and without any form of conditioning.

**Kind regards**

Peter Conisbee Q.Inst.Pa  
 Licensing Consultant and Independent Commercial Energy Broker  
[www.pclicensing.co.uk](http://www.pclicensing.co.uk)  
 07877 851 048

## **Premises History**

## **Appendix 3**

There is no licence or appeal history for the premises.

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

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

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

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

#### **Mandatory Conditions**

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

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

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

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

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



## Conditions consistent with the operating schedule

9. The 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. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises
12. The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO)
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. any faults in the CCTV system
  - f. any visit by a relevant authority or emergency service.
14. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times
15. A health and safety risk assessment will be completed and reviewed regularly, and will be made available to authorised officers of the council and the Metropolitan Police upon request
16. A fire safety risk assessment will be completed as per government guidelines on an annual basis (Regulatory Reform (Fire Safety) Order 2005) And produced to authorised officers of the council, the Metropolitan Police and the London Fire Service upon request.
17. The licensee shall ensure that a gas safety certificate is in existence at the premises and reviewed at the appropriate time
18. Staff will attend to any spillages within the venue as soon as practicable to minimise risk of injury to customers.
19. Customers will be actively discouraged from gathering outside of the premises
20. Staff shall carryout regular checks to monitor customer behaviour and to ensure there is no outbreak of noise from the premises.
21. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly

22. During licensable hours there will always be a minimum of two members of staff present
23. Staff will be trained to identify signs of intoxication, suspicious or aggressive behaviour and how to appropriately deal with such customers so as to provide adequate care and minimise risk
24. There will be no takeaway service of food for immediate consumption – all food taken away is to be closed/wrapped up.
25. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor by vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. 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.
27. No deliveries to the premises shall take place between 2100 hours and 0800 hours the following day
28. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous
30. No fumes, steam or odours shall be omitted 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
31. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - The police (and, where appropriate, the London Ambulance Service) are called without delay;
  - All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
32. The licensee will provide adequate bins for use by customers and encourage their use
33. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between the hours of 22:00 and 08:00
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time
35. 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

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

36. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as cheesecake café
37. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 05:00 hours on the following day
38. 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
39. 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
40. The licence holder shall ensure that there is no queuing outside the premises between 23:00 and 05:00 hours
41. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
42. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

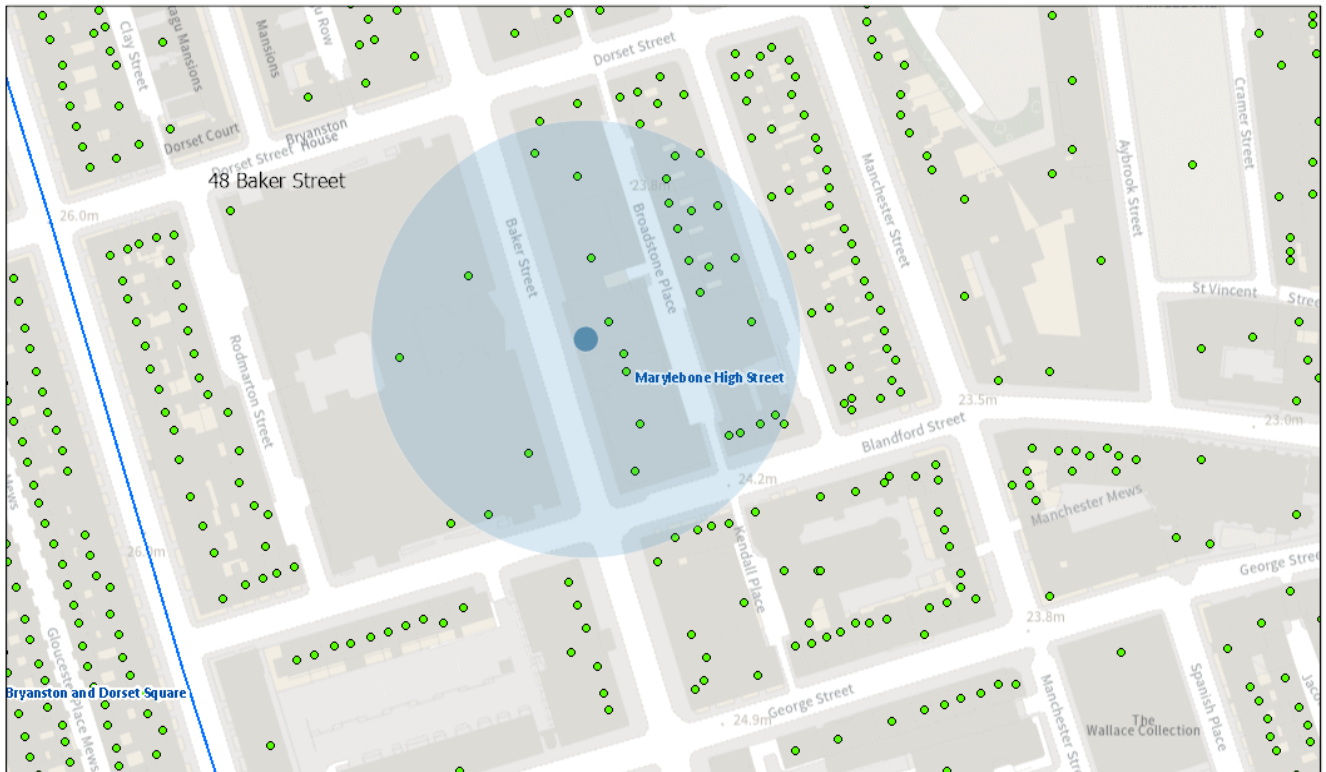
**Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.**

44. A minimum of 2 SIA licensed door supervisors shall be on duty from 2200 hours on Sunday to Thursday and 2100 hours on Friday, Saturday and days preceding a bank holiday until close. Whilst on duty they must correctly display their SIA licence(s) when on duty so as to be visible.
45. Staff will receive training in terrorism awareness and procedures adopted by the premises licence holder in the event of a terrorist attack at or in the immediate vicinity of the premises. Such training will be recorded and updated in line with best practice and a copy of the training will be made available to the Metropolitan Police on request. 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.

# Residential Map and List of Premises in the Vicinity

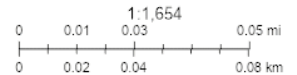
# Appendix 5

50 - 52 Baker Street London W1U 7BT



25/03/2022, 12:30:58

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



Resident Count: 99

Licenced premises within 75 meters of 50 - 52 Baker Street London W1U 7BT				
Licence Number	Trading Name	Address	Premises Type	Time Period
17/05008/LIPN	Simple Health Kitchen	48 Baker Street London W1U 7BS	Cafe	Monday to Sunday; 07:30 - 22:30
09/02972/LIPV	A D Supermarket	48 Baker Street London W1U 7BS	Shop	Sunday; 08:00 - 22:30   Monday to Thursday; 07:00 - 02:00   Friday to Saturday; 07:00 - 03:00

19/05495/LIPN	Royal China Club	40 - 42 Baker Street London W1U 7AJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
18/14158/LIPN	Knight Frank	55 Baker Street London W1U 8EW	Not Recorded	Monday to Friday; 17:00 - 22:00
21/06914/LIPN	Tesco (Unit 67)	55 Baker Street London W1U 8EW	Shop	Monday to Sunday; 06:00 - 00:00
20/09630/LIPT	The Natural Kitchen	55 Baker Street London W1U 8EW	Restaurant	Friday; 07:00 - 00:30   Saturday; 09:00 - 00:30   Sunday; 09:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Sundays before Bank Holidays; 09:00 - 00:00
17/06562/LIPDPS	Bright Courtyard	43 Baker Street London W1U 8EW	Restaurant	Monday to Sunday; 07:30 - 00:30
20/07056/LIPN	Za'ta	Unit 63 55 Baker Street London W1U 8EW	Restaurant	Monday to Sunday; 07:00 - 22:30
20/11588/LIPV	Chiltern Firehouse	1 Chiltern Street London W1U 7PA	Hotel, 4+ star or major chain	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday; 00:00 - 00:00

21/06617/LIPT	Ooty	66 Baker Street London W1U 7DJ	Restaurant	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
21/10718/LIPDPS	The Bok Bar	56 Blandford Street London W1U 7JA	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	7 April 2022
Licensing Ref No:	22/00868/LIPN - New Premises Licence
Title of Report:	Mr Dicky Ground Floor 10 - 11 Moor Street London W1D 5NE
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	31 January 2022		
<b>Applicant:</b>	Vacaros Enterprise Ltd		
<b>Premises:</b>	Mr Dicky		
<b>Premises address:</b>	Ground Floor 10 - 11 Moor Street London W1D 5NE	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the premises proposes to operate as a restaurant.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	<p>On original submission of the application, the applicant applied for the following.</p> <p><b>Late Night Refreshment</b> Monday to Wednesday 23:00 to 23:30 Thursday to Saturday 23:00 to 00:00</p> <p>The hours for Thursdays have since been amended and are reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			None				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None				



Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Jessica Donovan
<b>Received:</b>	25 February 2022
<p>Dear Sirs</p> <p>I write in relation to the application submitted for a new premises licence for Ground Floor, 10 - 11 Moor Street, London, W1D 5NE.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of children from harm</li> </ul> <p>The application seeks the following:</p> <p><b>Late Night Refreshment</b></p> <p>Monday to Wednesday 23:00 to 23:30 Thursday to Saturday 23:00 to 00:00</p> <p><b>Retail Sale of Alcohol (On and Off sales)</b></p> <p>Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30</p> <p><b>Hours premises are open to the public</b></p> <p>Monday to Thursday 07:00 to 23:30 Friday to Saturday 07:00 to 00:00 Sunday 09:00 to 22:30</p> <p>The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and RNT1.</p> <p>Policy RNT1 (B) states</p>	

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The Licensing Authority note that the applicant has applied for Late Night Refreshment on Thursdays from 23:00 to 00:00 but it is noted that the terminal hour for the retail sale of alcohol and the closing time on Thursdays is 23:30. Please could the applicant confirm if they are willing to reduce the terminal hour for Late Night Refreshment on Thursdays to 23:30 to allow the application to fall within Westminster core hours for Restaurants.

The Core hours for restaurants are:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to 12am.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to 12am.

The Licensing Authority note that the applicant has proposed Westminster's model condition 66 to bring the application in line with RNT1.

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.

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1.

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

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	28 February 2022

**GROUND FLOOR, 10 - 11 MOOR STREET, LONDON**

I refer to the application for a new Premises Licence for the above premises which is located in the West End Cumulative Impact Zone.

The applicant has submitted plans of the premises showing the Ground Floor (no reference).

**The following licensing activities are being sought:**

1. Provision of Late-Night Refreshment 'Indoors' on Monday to Wednesday from 23:00 to 23:30 hours and Thursday to Saturday from 23:00 to 00:00.
2. Supply of Alcohol 'On' and 'Off' the premises Monday to Wednesday from 10:00 to 23:30 hours, Thursday to Saturday from 10:00 to 00:00 and Sunday from 12:00 to 22:30.

**I wish to make the following representations based on the plans and operating schedule submitted:**

1. Provision of Late-Night Refreshment and for the hours requested may have the effect of increasing Public Nuisance in the Area.
2. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the Area.

**Environmental Health also makes the following further comments:**

- Some conditions have been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns.
- It is unclear from the application if the premises have already been constructed for the proposed use. Nevertheless, it will need to be inspected for Public Safety by Environmental Health prior to commencement of any licensable activities.
- The food preparation/cooking facilities will also need to be assessed in order to evaluate whether Public Nuisance may arise from cooking odour and/or noise from the operation of any plant and machinery.
- The standard of the party-wall sound insulation will also need to be assessed for the prevention of internal transfer of noise through the building fabric which may affect other users within the building block.

- The provision of sanitary accommodation for a public capacity over 25 must be at least in line with the guidance set out in British Standard 6465 and, where necessary, separate facilities for staff in compliance with guidance to Food Hygiene legislation.
- The Council has recently revised its Statement of Licensing Policy which is available on the Council's website. One of the new requirements under the Policy is that licensed premises must demonstrate achieving compliance with policy CH1 (Protection of Children from Harm, see page 36 of Policy). Free advice on achieving this can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419604/What\\_to\\_do\\_if\\_you\\_re\\_worried\\_a\\_child\\_is\\_being\\_abused.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf)

The applicant is therefore requested to contact the undersigned to discuss the above issues and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.

<b>2-B Other Persons</b>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	06 February 2022

We object to the application as our house facing the street would be affected by a new restaurant with take aways customers, eating outside, noisy smokers and people leaving late night with the noise till they are gone waiting for ubers, taxis or pedicabs. Having in mind that there was a hairdresser in before and no noise was coming from there at night this new application will just add more noise for the residents in the area.

Music from inside will be heard when their main door is opening and closing and would be very annoying if it must be heard every night.

The requested opening hours are also too long. Closing hours 22:30 any day, weekend 23:00 and Sunday 22:00 would be much better for the residents. In general any operating hour later then 22:30 causes a nuisance and should be respected in new applications, as it usually takes 30 minutes to have the guests gone, as they many times continue outside and wait for their transportation. Premises should be obliged to make sure that guests are leaving the premises silent and this should be enforced as it happens many times.

Extrator fans, any kind of ventilation or air intake machines should NOT be permitted to operate longer than 22:30.

Further Submissions received on 15<sup>th</sup> February 2022

if there is any change of business use involved we strongly object anyway to keep the variety in soho and to avoid there will be only bars and restaurants in the future. it is also nice for soho to have some shops or businesses that are NOT bars and restaurants to keep a variety.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 February 2022

We are surrounded by far too many bars and restaurants already. We are saturated and are constantly disturbed by those businesses who don't comply with their restrictions. Of course they need to make a living but customers get intoxicated and will make a noise leaving the premises and also smoking outside. The premises in question was a hairdresser. The City plan does not allow new licences which will add to the cumulative impact which this undoubtedly will I therefore object.

***Further Submissions received on 24<sup>th</sup> March 2022***

We write in support of Mr Drinkwater's representation to the above application on behalf of The Soho Society.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

**Application summary**  
**New Premises Licence**  
 New restaurant

**Sale of alcohol: Mon-Thurs:** 10:00 - 23:30. **Fri - Sat:** 10:00 - 00:00. **Sun:** 12:00 - 22:30  
**Late Night Refreshment: Mon-Weds:** 23:00 - 23:30. **Thurs-Sat:** 23:00 - 00:00  
**Opening hours: Mon-Thurs:** 07:00 - 23:30. **Fri-Sat:** 07:00 - 00:00. **Sun:** 07:00-22.30  
 No off sales OR takeaway after 23:00  
 Capacity 30

**The location**

The Soho Society supports the representation from Mr. Drinkwater who lives on Old Compton Street, he presents a case against granting a new restaurant / alcohol licence in premises which use to be a hairdressers and in an area already saturated with restaurants and drinking establishments. He raises concern regarding nuisance experienced with any new licences, more noise nuisance, people leaving late at night, people smoking outside, to add a new restaurant in this area will increase nuisance and reduce residential amenity.

Moor Street is a small street which currently has 2 restaurants, 2 pubs, a hotel and a tattoo parlour it is situated off Old Compton Street there are two other notable premises on the corner of this street and Moor Street those being The Three Greyhounds public house and Slim Chickens a fast food premises. (Appendix 1 : Photographs Moor St).

Soho has a huge number of food and beverage premises with over 220 restaurants, 72 cafés, 39 bars, 46 pubs and 31 clubs (including members clubs). In the streets which surround Moor Street there are **106** licensed premises between the hours of **00:00 - 03:30**, capacity recorded on **72** licences gives a total of **10,002**. The breakdown by street below.

**Old Compton Street:** 31 licensed premises with a terminal hours between **00:00 - 03:30**, capacity (where recorded) for 18 premises **2,033**.

**Greek Street:** 23 licensed premises with a terminal hours between **00:00 - 03:30**,

**capacity (where recorded) for 19 premises 3,442.**

**Frith Street : 23 licensed premises with a terminal hours between 00:00 - 03:30, capacity (where recorded) for 16 premises 2,022.**

**Dean Street : 29 licensed premises with a terminal hours between 00:00 - 03:30, capacity (where recorded) for 21 premises 2,505.**

Soho is open 24 hours where alcohol is readily available any additional alcohol licence in this area will increase crime and disorder, noise nuisance and add to cumulative impact in the West End Cumulative Impact Zone.

### **Statement of Licensing Policy 2021**

We review this applications against the following policies, Restaurant RNT1 and the Cumulative Impact Policy CIP1.

#### **Restaurant RTN1**

The policy states applications within the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

**F128 states;** ‘ *A stricter approach to restaurants within the West End Cumulative Impact Zone has been adopted due to the current cumulative impact issues as set out in the 2020 Cumulative Impact Assessment and within policy CIP1. For applicants within the Cumulative Impact Zone they must demonstrate that they will not add to cumulative impact.*’ The applicant has failed to address how they will not add to cumulative Impact.

#### **Cumulative Impact Policy CIP1**

The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and wellbeing of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area.

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. We find there is no justification for another licensed premises in this area, the evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, it describes the high level of cumulative impact in the West End Zone between 2017-2019, the subsequent Statement of Licensing Policy 2021 Cumulative Impact Policy CIP1 states,

*‘The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and drink led premises and/or night cafés has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone arises from the number of people there late at night; a considerable number of them being intoxicated. Public services, including police, health and emergency, transport, environmental services (cleansing and refuse services) are placed under chronic strain by existing levels of activity, as are civic amenities and the quality of residential life. The urban infrastructure cannot sustain any further growth in licensed*

*premises that provide a significant risk of a variety of harmful outcomes. Over a period of three years (2017 - 2019) 45% of violent crimes, as well as over half of all robberies, thefts and drug offences in the city were recorded within West End Cumulative Impact Zone. Additionally, 43% of ambulance callouts between that same period to the locations of licensed premises fell within this zone.’ (D4)*

Furthermore, the Cumulative Impact Assessment 2020 highlighted the crime rates in the WestEnd Zone 1 (p9) stating,

*‘The rate of incidents per square kilometre observed here, as well as the rate of licensed premises per square kilometre, **was approximately nine times higher than the borough’s average rate. For crimes in particular, the rate was 10 -13 times higher between 6pm - 6am compared to the borough average.**’ (our emphasis).*

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but it may in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, there are more people on the streets in the evening now that at pre-COVID times, in our view we have already reached 2017-2019 levels and this is further supported by recent crimes statistics which show an increase in serious crime (see the Prevention of Crime and Disorder below).

The policy has a presumption to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing, however, Section C states other premises types must demonstrate they will not add to cumulative impact, in this case the applicant has failed to provide this evidence.

Residents and residential accommodation is also an important factor, the policy states,

D23. *‘Proximity to residential accommodation is the general consideration with regard to the prevention of public nuisance.’* Also,

*‘The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but a wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.’*

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy), this is a new restaurant with a capacity of 30, in our view it will add to cumulative impact in an area already saturated with alcohol licences and attracting large numbers of people.

### **The Licensing Objectives**

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

### **Prevention of Crime and Disorder - CD1**

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

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

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.

**Total incident type 2017-2019:**

- Drug Offences Night: **1529** (proportion of Borough's incidents **40%**)
- Robberies Night: **2237 (33%)**
- Theft and Handling Night: **24,407 (33%)**
- Serious violent crimes Night: **795 (31%)**
- Noise Complaints Night: 1389 (16%)
- Anti-Social behaviour MPS: **9662 (16%)**
- Anti-Social behaviour on transport Night: **592 (13%)**
- Reactive Waste Management: **6630 (10%)**

**Total = 52,594**

- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** the most common crime type in the borough and in the evening and night this is particularly concentrated in the West End and along Oxford Street.

These premises are situated in the heart of the food, drink and entertainment district. This area of Soho is a known hotspot for crime and disorder as evidenced by the current statistics, the top crime streets listed below provided by the Met Police shows a total of **1,827** crimes; the table below highlights Moor Street being 23 on the list with 23, however, Old Compton Street is 2nd with 231 and Greek St 1st with 239.



## Top Streets all crime –1<sup>st</sup> Nov 21 – 28<sup>th</sup> Feb 22

GREEK STREET	239	GOLDEN SQUARE	14
OLD COMPTON STREET	231	ARCHER STREET	14
WARDOUR STREET	138	GREAT PULTENEY STREET	14
SHAFTESBURY AVENUE	117	GLASSHOUSE STREET	13
DEAN STREET	105	SOHO STREET	13
CARNABY STREET	99	LEXINGTON STREET	13
GREAT MARLBOROUGH STREET	75	GOSLETT YARD	12
FRITH STREET	70	SOHO PLACE	12
SOHO SQUARE	60	NEWBURGH STREET	11
BREWER STREET	58	PETER STREET	11
BATEMAN STREET	44	CARLISLE STREET	10
GREAT WINDMILL STREET	43	ROMILLY STREET	9
KINGLY STREET	41	KINGLY COURT	9
BROADWICK STREET	37	CAMBRIDGE CIRCUS	9
CHARING CROSS ROAD	36	D'ARBLAY STREET	8
BERWICK STREET	35	MARSHALL STREET	8
GANTON STREET	32	HAM YARD	7
BEAK STREET	29	RANILLIES STREET	7
POLAND STREET	24	DUPDURS PLACE	6
MANETTE STREET	24	WALKER'S COURT	6
MOOR STREET	23	MEARD STREET	6
RUPERT STREET	18	WARWICK STREET	5
LITTLE MARLBOROUGH STREET	17	FOUBERT'S PLACE	5
INGESTRE PLACE	15	NOEL STREET	5

Furthermore, comparing the top reported crimes from \*November 2021 - February 2022 to pre- COVID times highlights the number of serious and violent crimes are on the increase;

**Violence against the person serious wounding: 32 up 78%** (18 pre - COVID)

**Violence against the person assault with injury: 59 up 31%** (45 pre-COVID)

**Violence against the person common assault: 70 up 18%** (59 pre-COVID)

**Drugs possession: 115 up 79%** (64 pre-COVID)

**Sexual offences: 34 up 70%** (20 pre-COVID)

\*Data provided by the Met Police

For residents living in this area the findings of the Cumulative Impact Assessment and the recent crime figures are unsurprising. Soho transforms in the evening and night-time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above, criminal activity associated with the large number of venues and the numbers of people on the streets results in high levels of serious crime. In Soho the majority of robberies take place at night, people are targeted as they leave venues which is evidenced by the figures. Alongside this is drug dealing which is a real problem, with groups of dealers congregating to sell drugs and specifically targeting people as they leave premises. There are more dealers in the area at night than during the day, this is directly linked to the large number of venues and people out on the streets which creates the drugs market.

If successful this application will increase crime and disorder and fail to promote this licensing objective.

### Prevention of Public Nuisance Policy PN1

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

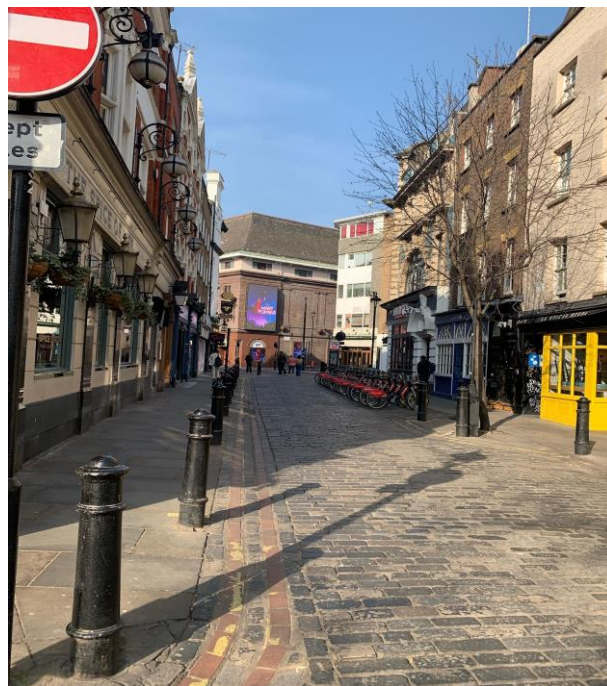
Mr. Drinkwater raised concern regarding noise nuisance from a new restaurant in an area already saturated with alcohol licences. Residents living in this area already suffer noise nuisance and disturbance from the huge number of people on the streets either visiting the large number of existing licensed premises or those just hanging around and walking through. This area truly transforms in the evening there are far more people on these

streets than during the daytime. These large numbers create a huge amount of noise nuisance and disturbance to residents, coupled with the noise of taxis waiting to pick up patrons, pedicabs waiting and blaring out loud music, plus other antisocial behaviour including street fouling. Adding another licensed premises to this area will result in an increase in nuisance.

**In summary**

The application proposes a new licensed restaurant until core hours in the West End Cumulative Impact Zone. In our view if granted this application will fail to promote the licensing objectives and increase cumulative impact in the West End Cumulative Impact Zone.

**Appendix 1 : Moor Street**



<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	27 February 2022 ( <b>Withdrawn 9<sup>th</sup> March 2022</b> )
<p>To Whom It May Concern-</p> <p>We very concerned about the upcoming licensing of the 10/11 Moor Street ground floor space. The application to operate a late night place opened until midnight concerns us. The noise and possible problems associated with a late night drinking establishment give us pause.</p> <p>We live directly next door and are less than 20 feet form the entrance to the proposed licensed space. We sure a wall with the venue asking to be open until 11:30 pm and Midnight.</p> <p>When we moved into the neighbouring space it was with the understanding that the venue was being used as a barbershop that closed by 9 pm each night . The type of clientele, noise, and trade created by a ground floor space operating as a Barber shop is COMPLETELY different to a venue used as a bar that will be open until midnight. As the tenant closest to this proposed business we are nervous and concerned about our quality of life shifting substantially. As mentioned our bedroom windows are less than twenty feet from the proposed space. We feel the proposed shift in use of the space will seriously affect our quality of life in a negative way and ask that you limit the operating hours or decline outright the proposed license to allow an establishment that serves alcohol up to the hours of 11:30 pm and midnight.</p> <p><b>After mediation from the applicant explaining the application, the Interested Party withdrew on the 9<sup>th</sup> March 2022.</b></p>	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>A. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or</li> </ol>

earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.

2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

**8. Restaurants**  
Monday to Thursday: 9am to 11.30pm.  
Friday and Saturday: 9am to 12am.  
Sunday: 9am to 10.30pm.  
Sundays immediately prior to a bank holiday: 9am to 12am.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will

	<p>be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones</li> </ol> <p>Policy SCZ1 if the premises are located within a designated zone.</p> <ol style="list-style-type: none"> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### 4. Equality Implications

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

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

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

#### 5. Appendices

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

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

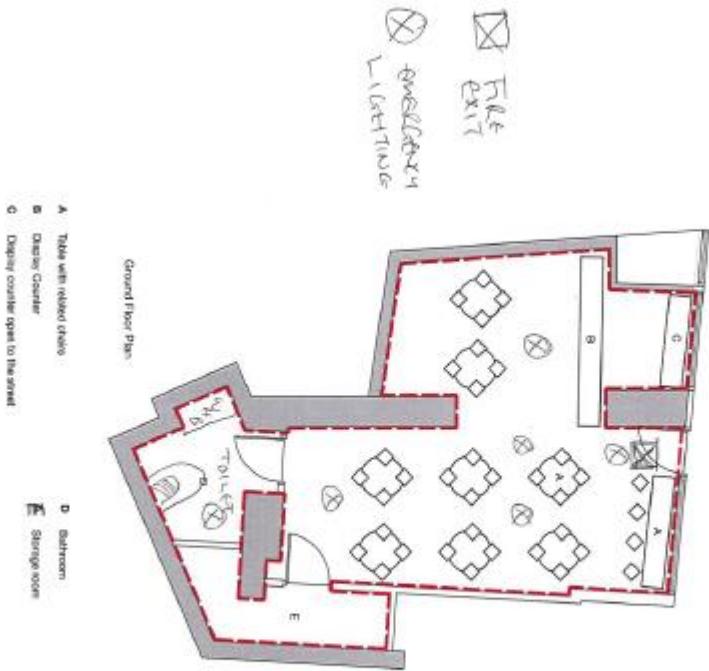
#### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority	25 <sup>th</sup> February 2022
<b>5</b>	Environmental Health Service	28 <sup>th</sup> February 2022
<b>6</b>	Representation 1	6 <sup>th</sup> February 2022
<b>7</b>	Representation 2	11 <sup>th</sup> February 2022
<b>8</b>	Representation 3 ( <b>Withdrawn 9<sup>th</sup> March 2022</b> )	27 <sup>th</sup> February 2022



Detailed Plan

Ground Floor, Moore Street 10-11, London, W1D5NF



- Outside the premise, we will change the color of the front and put our logo with some LEDs. We will also put some advertising
  - Inside the premise, we will remove the tiles in the wall by replacing them with a plasterboard wall that we will paint (or similar)
  - On the roof, we will only change the appearance with the aim of making it look prettier (e.g. stickers)
  - We will install new lights in the roof and walls to make the room look brighter and more attractive from outside
  - The floor or we leave it the same or we will change it with a laminate. This will be evaluated during the works
  - In the display counter will be prepared and exposed all the products to sell. Moreover, we will make a small window open to the street (using the existing sliding door) to sell products directly on the street
  - We will change the appearance of the bathroom to make it prettier, by changing bathroom fixtures and tiles
  - In the storage room we will create a small food preparation area
- \*This plan can be subject to changes both during work and during trading if we believe that a different morphology is better for our business*

**Applicant Supporting Documents**

**Appendix 2**

No supporting documents have been provided.



There is no licence or appeal history for the premises.

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

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

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

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

**Mandatory Conditions**

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

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

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

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

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

#### **Conditions consistent with the operating schedule**

#### **Conditions proposed by the Police and agreed by the applicant to form part of the operating schedule.**

9. (a) 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.

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. 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.
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 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

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

**Conditions proposed by the Environmental Health**

16. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.
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 of business.
18. 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.
19. 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.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. 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 unless it is during the hours for the Council's own collection times for the street.
22. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) hours on the following day unless it is during the hours for the Council's own collection times for the street.
23. The number of persons permitted in the premises at any one-time (including staff) shall not exceed 25 persons.
24. 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. If there are minor changes to the layout a new plan shall be submitted to the licensing authority when requesting removal of this condition.



Resident Count = 82

<b>Licensed premises within 75 metres of 10-11 Moor Street, London</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
20/02992/LIPVM	Three Greyhounds Public House	The Three Greyhounds Public House 25 Greek Street London W1D 5DD	Public house or pub restaurant	Monday; 07:00 - 00:00   Tuesday; 07:00 - 00:00   Wednesday; 07:00 - 00:00   Thursday; 07:00 - 00:00   Friday; 07:00 - 00:30   Saturday; 07:00 - 00:30   Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30   Sundays before Bank Holidays; 07:00 - 00:30
21/02047/PREAPM	Not Recorded	26 Greek Street London W1D 5DE	Not Recorded	
21/06502/LIPV	Wands & Wizard	26 Greek Street	Restaurant	Sunday; 10:00 -

	Exploratorium	London W1D 5DE		23:00   Monday to Thursday; 09:00 - 00:00   Friday to Saturday; 09:00 - 00:30
20/05831/LIPDPS	Restaurant	Basement And Ground Floor 8-9 Moor Street London W1D 5ND	Restaurant	Sunday; 08:00 - 23:00   Monday to Thursday; 08:00 - 00:30   Friday to Saturday; 08:00 - 01:00
16/11180/LIPN	Maison Berteaux	28 Greek Street London W1D 5DQ	Food store (large)	Monday to Sunday; 08:00 - 23:00
20/07132/LIPCH	Coach & Horses Public House	29 Greek Street London W1D 5DH	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:50   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
19/13129/LIPDPS	Slim Chicken	Basement And Ground Floor 12 Moor Street London W1D 5NG	Restaurant	Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 00:30
12/11305/LIPDPS	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Pub or pub restaurant with lodge	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 23:30
17/12519/LIPV	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Pub or pub restaurant with lodge	Sunday; 09:00 - 23:00   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   New Year's Eve; 00:00 - 00:00   Sundays before Bank Holidays; 09:00 - 00:00
21/06695/LIPDPS	Greek Street House	40 Greek Street London W1D 4EB	Club or institution	Saturday; 10:00 - 03:30   Sunday; 10:00 - 23:00   Monday to Friday; 08:00 - 03:30
16/02143/LIPRW	Patty & Bun	Basement And Ground Floor 18 Old Compton Street London W1D 4TN	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/09106/LIPDPS	Cafe Boheme	Basement And Ground Floor 13 - 17 Old Compton Street London W1D 5JH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 09:00 - 05:00
20/09342/LIPVM	La Porchetta Pizzeria & Pollo	Basement And Ground Floor 20	Restaurant	Monday; 11:00 - 00:30   Tuesday;



	Bar	Old Compton Street London W1D 4TW		11:00 - 00:30   Wednesday; 11:00 - 00:30   Thursday; 11:00 - 00:30   Friday; 11:00 - 00:30   Saturday; 11:00 - 00:30   Sunday; 11:00 - 00:00
20/10972/LIPDPS	Wuns Tea Room	23 - 24 Greek Street London W1D 4DZ	Restaurant	Monday to Sunday; 09:00 - 03:30
20/11616/LIPT	La Bodega Negra	Basement And Ground Floor 16 Moor Street London W1D 5AP	Restaurant	Monday to Sunday; 00:00 - 00:00
19/05784/LIPCH	Bar Termini	7 Old Compton Street London W1D 5JE	Wine bar	Sunday; 07:00 - 22:30   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 01:00   Sundays before Bank Holidays; 07:00 - 23:30
21/11919/LIPT	Shackfuyu	Basement And Ground Floor 14 Old Compton Street London W1D 4TH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/11486/LIPT	Swift	Basement And Ground Floor 12 Old Compton Street London W1D 4TQ	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 09:00 - 00:30
21/11540/LIPDPS	Z Hotel	The Z Hotel Soho 17 Moor Street London W1D 5AP	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00
20/04782/LIPDPS	Eat Tokyo	16 Old Compton Street London W1D 4TL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/09118/LIPDPS	Ceconis Soho	19-21 Old Compton Street London W1D 5JJ	Not Recorded	Sunday; 08:00 - 00:00   Monday to Saturday; 08:00 - 03:30   New Year's Eve; 00:00 - 00:00
17/14665/LIPDPS	Temakinho	10 Old Compton Street London W1D 4TF	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
21/12353/LIPVM	The Cambridge Hotel	93 Charing Cross Road London WC2H 0DP	Public house or pub restaurant	Monday; 07:00 - 00:30   Tuesday; 07:00 - 00:30   Wednesday; 07:00 - 00:30   Thursday; 07:00 - 00:30

				Friday; 07:00 - 00:30   Sunday; 07:00 - 00:00   Sunday; 07:00 - 22:50   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
16/05199/LIPDPS	Piccolo Diavolo	Basement To First Floor 8 Old Compton Street London W1D 4TE	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/02934/LIPDPS	Kettners Townhouse	29 Romilly Street London W1D 5HP	Not Recorded	Monday to Sunday; 00:00 - 00:00
14/03170/LIPVM	Londis	21 Greek Street London W1D 4DX	Shop	Monday to Sunday; 08:00 - 03:00
06/06018/WCCMAP	Y Ming	35 - 36 Greek Street London W1D 5DL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/06901/LIPDPS	Bar Soho	23 - 25 Old Compton Street London W1D 5JL	Night clubs and discos	Sunday; 09:00 - 01:00   Monday to Thursday; 09:00 - 01:30   Friday to Saturday; 09:00 - 03:30
21/06001/LIPT	Gunpowder	Basement And Ground Floor 20 Greek Street London W1D 4DU	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
20/09450/LIPVM	Palace Theatre	Palace Theatre 109 - 113 Shaftesbury Avenue London W1D 5AY	Theatre	Monday to Sunday; 09:00 - 00:00
21/14424/LIPDPS	Not Recorded	Basement And Ground Floor 4 - 6 Old Compton Street London W1D 4TB	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:00
21/04531/LIPN	Viet Noodle Bar	Basement And Ground Floor 34 Greek Street London W1D 5DJ	Restaurant	Sunday; 12:00 - 20:00   Monday to Saturday; 12:00 - 23:00
18/11987/LIPDPS	Berenjak	27 Romilly Street London W1D 5AL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
18/15717/LIPDPS	Dozo	Basement To First Floor 32 Old Compton Street London W1D 4TP	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
21/02109/LIPDPS	The Coach And	Coach And	Public house	Friday to Saturday;

	Horses	Horses 2 Old Compton Street London W1D 4TA	or pub restaurant	09:00 - 01:30   Sunday to Thursday; 09:00 - 00:30
21/09644/LIPDPS	G-A-Y Bar	Basement To First Floor 30 Old Compton Street London W1D 4UR	Restaurant	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 - 01:00   New Year's Eve; 00:00 - 00:00
13/01185/LIPVM	Montagu Pyke	Ground Floor 105 Charing Cross Road London WC2H 0DT	Public house or pub restaurant	Sunday; 07:00 - 22:50   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
21/06755/LIPDPS	Prince Edward Theatre	Prince Edward Theatre 28 Old Compton Street London W1D 4HS	Theatre	Monday to Sunday; 09:00 - 01:00
21/00693/LIPV	Balans Cafe	34 Old Compton Street London W1D 4TR	Restaurant	Sunday; 12:00 - 05:00   Monday to Saturday; 10:00 - 05:00
20/06321/LIPT	Balans Cafe	34 Old Compton Street London W1D 4TR	Restaurant	Sunday; 12:00 - 05:00   Monday to Saturday; 10:00 - 05:00
21/04874/LIPDPS	Dodo Supermarket	Basement And Ground Floor 24 Frith Street London W1D 5LA	Shop	Sunday; 10:00 - 22:30   Monday to Thursday; 08:00 - 01:00   Friday to Saturday; 08:00 - 03:00
21/01596/LIPV	Ku Bar	Basement To First Floor 25 Frith Street London W1D 5LB	Night clubs and discos	Monday; 10:00 - 01:00   Tuesday; 10:00 - 01:00   Wednesday; 10:00 - 01:00   Thursday; 10:00 - 01:00   Friday; 10:00 - 01:00   Saturday; 10:00 - 01:00   Sunday; 10:00 - 22:50   Sundays before Bank Holidays; 10:00 - 00:00
17/14888/LIPDPS	Kyoto	26 Romilly Street London W1D 5AJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
16/02606/LIPV	NY Fold	103 Charing Cross Road London WC2H 0DT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 -

				00:30
17/03246/LIPCH	Bar Italia	Basement And Ground Floor Front 22 Frith Street London W1D 4RP	Cafe	Sunday; 12:00 - 05:00   Monday to Saturday; 10:00 - 05:00
19/00938/LIPDPS	Not Recorded	Basement 23 Frith Street London W1D 4RR	Restaurant	Sunday; 09:00 - 01:00   Monday to Saturday; 09:00 - 03:30
15/06965/LIPN	Blade Soho	26 Frith Street London W1D 5LD	Hairdresser or beauty salon	Sunday; 12:00 - 20:00   Monday to Saturday; 10:00 - 22:00
19/08060/LIPT	Zebrano	Basment And Ground Floor 18 Greek Street London W1D 4DS	Night clubs and discos	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 03:30   New Year's Eve; 00:00 - 00:00
17/03238/LIPCH	Little Italy	21A Frith Street London W1D 4RW	Restaurant	Monday to Sunday; 09:00 - 05:30
15/02220/LIPV	Bistro 1	27 Frith Street London W1D 5LE	Restaurant	Sunday; 08:00 - 00:00   Monday to Saturday; 08:00 - 01:00
22/01399/LIPVM	Curzon Soho Cinema	93-107 Shaftesbury Avenue London W1D 5DY	Cinema	Monday; 09:00 - 02:30   Tuesday; 09:00 - 02:30   Wednesday; 09:00 - 02:30   Thursday; 09:00 - 02:30   Friday; 09:00 - 02:30   Saturday; 09:00 - 02:30   Sunday; 09:00 - 00:00
13/06021/LIPDPS	Genting Casino London China Town	First Floor Wingate House 93 - 107 Shaftesbury Avenue London W1D 5DY	Casino or gambling club	Monday to Sunday; 00:00 - 23:59