



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 14th July, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Judith Southern, Caroline Sargent and Iman Less (Chair)

1. MEMBERSHIP

- 1.1 That Councillor Iman Less was substituting for Councillor Maggie Carman.
- 1.2 **Resolved:** That Councillor Iman Less Chair the Licensing Sub-Committee.

2. DECLARATIONS OF INTEREST

- 2.1 There were no declarations of interest.

1. UNIT 1, GROUND FLOOR AND BASEMENT, ILONA ROSE HOUSE, MANETTE STREET, W1D 4AL

WCC LICENSING SUB-COMMITTEE NO. 2 ("The Committee")

Thursday 14th July 2022

Membership: Councillor Less (Chairman), Councillor Southern and Councillor Sargent

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

Others present: Alun Thomas (Thomas and Thomas) Solicitors on behalf of Soho Estates Portfolio Limited (the Applicant).

For Soho Estates Portfolio Limited:
Adam Price
Matthew White

David Nevitt – Environmental Health Officer (EHO)
Karyn Abbott – The Licensing Authority (LA)
Tim Lord – The Soho Society
David Kaner – The Covent Garden Community Association
(CGCA)
Richard Brown (Solicitor, Westminster’s Citizens Advice)
representing the Soho Society

Application for a New Premises Licence in respect of **Unit 1 Ground Floor & Basement Ilona Rose House, Manette Street, London W1D 4AL - 22/03403/LIPN**

FULL DECISION

Premises

Unit 1
Ground Floor & Basement
Ilona Rose House,
Manette Street,
London
W1D 4AL

Applicant and Premises Licence Holder (PLH)

Soho Estates Portfolio Limited

Ward

West End

Cumulative Impact

West End

Special Consideration Zone

N/A

Activities and Hours applied for

- ***Late Night Refreshment (Indoors and Outdoors)***
Monday to Saturday 23:00 to 01:00 hours
Sunday 23:00 to 23.30 hours

- ***Supply of Alcohol (On and Off the Premises)***
Monday to Saturday 10:00 to 01:00 hours
Sunday 12:00 to 23:30 hours
- ***Hours Open to the Public***
Monday to Saturday 08:00 to 01:00 hours
Sunday 08:00 to 23:30 hours
- ***Seasonal variations: All licensable activities and opening times shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.***

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act") to operate as a restaurant with ancillary bar. The premises is not currently trading.

The application seeks to licence the reconfigured layout of the premises.

Units 1, 2 and 3 are located on the ground floor and all areas are individually licensed. Unit 3 and 2 are not involved in this application. The existing basement (unit 4) is also licensed.

The application is to licence unit 1 which includes a portion of the licensed basement. Both areas have the benefit of an existing premises licence under references 21/07023/LIPN and 21/07004/LIPN.

The Premises Licence Holder seeks to mirror the existing Premises Licence, save to amend the capacity in current condition 25 (g), from 50 to 90.

The two existing Premises Licences for unit 1 and the basement will be surrendered if this application is granted.

The Premises are located within the West End Ward and West End Cumulative Impact Zone.

Representations Received

- David Nevitt - EHS
- Karyn Abbott - LA
- Soho Society
- Mr David Kaner – CGCA
- David Fares

Summary of Representations

The EHO object to the application on the grounds of the prevention of public nuisance and public safety. The Premises is located within the West End Cumulative Impact Zone.

The Licensing Authority note that the application falls within the PB1 policy, and the Applicant will have to demonstrate exceptional circumstances to allow to depart from Policy and that the hours fall outside of core hours for pubs and bars.

The residential objector objects to the proposed hours of trade as this will increase noise and potentially crime.

The residents' associations argues that the previous grants should be ignored as the associations missed the opportunity to object to that application in Dec 2021. They contend that the application is in a CIZ and due to the overall capacity of the premises this would have a negative cumulative effect on the area and is against policy.

Policy Position

CIP1

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

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

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

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

HRS1

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:

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.

PB1 (B)

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.
- C. The applications referred to in Clause B1 and B2 will generally be granted subject to:
1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
 2. 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.
 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.
- 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.

SUBMISSIONS AND REASONS

1. It was agreed that the facts and evidence are identical in relation to the applications for Units 1 and 2 and therefore the Committee agreed to hear both applications at the same time, however separate decisions will be provided.
2. Mr Thomas on behalf of the Applicant explained to the Committee that this development is a family legacy and therefore will not be sold and the Applicant have an interest in ensuring the premises operate without issue.
3. The premises have planning permission for restaurant use and there is no independent bar use.
4. Up to 21:00 hrs, although food is available, customers can have a drink without food but thereafter, the premises will trade as a full restaurant. The layout of the premises is and is seen as a restaurant and not a bar.
5. The Committee were informed by Mr Thomas that current premises licence was granted in Dec 2021 and the Sub-Committee granted the Premises Licence, subject to conditions and on the basis that the restaurant operation subject to conditions will not add to the cumulative impact in the area.
6. Mr Thomas explained that the PLH has decided to split unit 4 and add it to unit 1. The footprint and hours on the Premise Licence remain the same. Unit 3 is unaffected. If granted the existing premises licence for 1 and 4 will be surrendered. The existing capacity of unit 4 will be split between units 1 and 2. There is no change to the external seating.

7. The PLH had the benefit of pre application advice. Trading hours remain as existing and are as granted on the premises and planning. The planning use for the premises is as a restaurant.
8. Mr Thomas submitted that the premises is in a good location with public travel available to disperse customers quickly. The site has CCTV, private cleansing teams, private security and is well managed.
9. The Committee were informed that the residents' associations had failed to object to the original application relating to this site because they were relying on the publication of the Licensing Reviews. He referred to the case of Albert Hall (Starting at page 3 of the Additional bundle). The Applicant had complied with the statutory advertising of the application, so the residents' association arguments should have no weight.
10. Mr Thomas stated that the previous applications have been determined and the Applicant has signed to lease this unit to a tenant. They have a legitimate expectation to trade the site as they have an existing and valid Premises Licence.
11. It was advanced on behalf of the Applicant that the circumstances have not changed since the original grant in Dec 2021, they have already demonstrated to the previous Committee that the operation will not add to the cumulative impact in the area.
12. Mr Thomas stated that he had attempted to contact the Soho Society but had received a response. There is a Dispersal Plan (page 23 of the agenda) and there is not a requirement to prove an exception to Policy for restaurant. With the ancillary bar trade, if an exception is required, Mr Thomas confirmed that this is only up to 21.00, all seated customers and waiter/waitress service.
13. In response to questions from the Members, Mr Thomas confirmed there is no increase to the overall capacity of the site and that he believes that less people will be attracted to an area where there are 3 restaurants rather than where there are 4 different offerings. Food is available throughout the premises and there is no vertical drinking. Mr Thomas agreed on behalf of his client to MC 41 being added to the Premises Licence if granted.
14. Mr Thomas, assisted by Matthew Price confirmed that capacity is calculated based on floor space, means of escape and toilet provision. The capacity is shown on the plans, submitted in support of this application.
15. Mr Nevitt EHO, confirmed that there was pre application discussion and there is a reconfiguration of the plans, but the hours and terms remain the same as the existing Premises Licence.
16. Mr Nevitt explained that the issue is the capacity and whether the new scheme will have an adverse impact on the area. He did not feel that it would add to cumulative impact. He informed the Committee that the premises could

not operate as a pub where there is vertical drinking because of proposed condition 25.

17. In response to the Committee, Mr Nevitt stated that there have been no noise impact or complaints, but it should be noted that the premises is not currently trading. He also stated that the capacity figures are based on seated customers and that the Committee could impose a maximum capacity figure for the different areas.
18. Mr Nevitt finally explained to the Committee that a main concern was the use of the outside area and its impact on neighbours. He referred the Committee to conditions 11-13 which controls its use.
19. Karyn Abbott on behalf of Licensing stated that Policy PB1 is relevant as up to 21.00 the premises is a drink led operation and that the Applicant should give exceptional reasons why the Committee should depart from the CIZ policy and also show why the premises will not add to CIZ.
20. Richard Brown on behalf of the Soho Society referred the Committee to his written submission at page 17 of the additional papers and advised the Committee that even though the number of premises is being reduced in the development, the large capacity still remains the same, and this will cause dispersal issues.
21. He explained that's no one objected to the application in December 2021, but each case is to be heard on its own merits. This is a new application for consideration so the submissions from the objectors are valid despite them not objecting on the previous occasion.
22. Mr Brown submitted that the existence of all 4 of the licensed premises at this site is a relevant factor as there is an addition of 847 people to a cumulative impact area. The planning permission permits use of the premises until 01.00 but it also restricts a separate bar use.
23. Soho Society submits that the application should be granted to core hours, the separate bar use up to 21.00 should be refused and the outside capacity limited.
24. Mr Brown continued to explain that paragraph D13 of Westminster's Licensing Policy (SoLP) purely states that Cumulative Impact (CI) increases rapidly from 21.00. However, Mr Brown submitted that CI becomes progressively worst through the day, it does not suddenly start at 21.00. This application seeks bar use independent of MC66 until 21.00.
25. The Committee was directed to para F127 of SoLP, which implies that the authority intention is to prevent restaurants from operating as a bar.
26. Mr Brown explained that the definition of bars and restaurants are different, and the Applicant should not be allowed to pick and chose which bits to apply to an operation. It is either a restaurant or a bar. The main issue is the effect of the overall capacity. He submitted that on the information provided at the

hearing, the question to be answered is whether the grant will promote or adversely affect the licensing objectives.

27. Mr Lord on behalf of the Soho Society submitted to the Committee that Old Compton Street and Greek Street all have crime and disorder and nuisance issues. There are three nightclubs which contribute to customer noise, music escape and traffic noise. There is a pedestrian area from the premises to both streets and this would increase the overall size of the CIZ area. Customers from the premises would therefore eat and leave into the worst area of Soho as far as crime, disorder and nuisance are concerned.
28. Mr Lord explained that the crime statistics in Greek Street are at the top end and there are not enough police officers to attend incidents.
29. Mr Lord felt it was a shame that more residents and the new residents in the accommodation nearest the site did not make any objections.
30. In response to the Committee, Mr Lord explained that he is concerned about customer migration to the nightclubs, dispersal of customers into a 'pinch' area and onto Greek Street, and that there was no way of stopping vertical drinking in the outside areas.
31. In response to the Objectors comments, Mr Thomas advised the Committee that the courtyard area is private, gated, covered by CCTV and private security. They have a dispersal plan. He submitted that if residents had concerns, they would have objected or made complaints to the authorities.
32. Mr Thomas explained that the units are not 'fronting' Greek Street, therefore there will be no noise and the area will be managed accordingly. He confirmed that his clients would be happy with a cap on the maximum capacity but would rather it be left to the Environmental Health Officer's assessment. He emphasised that the premises would trade as a restaurant all day but before 21.00 customers would be able to sit, have waiter/waitress service and have a drink, without food. He agreed to a condition requiring food to be available when alcohol is being sold for consumption.
33. Mr Thomas also reminded the Committee that the original decision in Dec 2021, considered all issues in relation to the licensing objectives and residents. The police and EHO had all relevant information on that occasion and the premises licence, with conditions was granted. There are no objections from the police.
34. Mr Thomas stated that he would prefer the model condition (MC99) relating to the dispersal policy rather than the condition offered by Mr Kaner of the CGCA, which Mr Thomas considered to be unenforceable.
35. Mr Hardy, the Policy Advisor clarified the position in relation to SoLP. Namely that F112 is unlikely to apply to this premises as a majority of customers will be eating and food will be available. The bar is not a specific bar area but a feeder bar for the restaurant, the primary use.

36. Mr Thomas confirmed that a specific bar area is not wanted and that there would be no vertical drinking as in the usual bar operation.
37. Mr Hardy also confirmed that this application falls under RNT1. D13 is a policy to refuse applications for music and dancing venues and pubs and bars within the CIZ but there is an example of an exception if there is a terminal hour for the music and dancing venues, pubs and bars, if they close at 21.00.
38. Mr Thomas on behalf of his client agreed to the conditions commencing at page 55 of the agenda and also MC41, a restriction on capacity not to exceed 431, MC99 by would rather MC99 rather than the condition proposed by the CGCA at page 12 of the agenda.

DECISION

1. The Committee has determined an application for a grant of a **NEW** Premises Licence under the Licensing Act 2003. The Committee realises that it has a duty to consider each application on its individual merits. There is no policy presumption to refuse the application that is not within the Cumulative Impact Area provided the licensing objectives are not undermined.
2. The Committee was satisfied that, in accordance with the Licensing Act 2003, Home Office Guidance, Westminster's Licensing Policy and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.
3. In doing so, as well as other matters, the Committee noted that a premises licence was granted in Dec 2021 and that there were no changes save for the layout of the premises. However, each case is heard on its own merits and as this is an application for a new premises licence, little weight was placed on the previous grant. All policy matters, objections and written and oral evidence were considered afresh.
4. The Committee noted that the Applicant sought to exclude the strict restaurant condition before 21.00 and noted D13 of the SoLP. Also noted were that there were no objections from the police and that the EHO believed the operation would not add to CIZ.
5. The Committee took into account the compelling evidence from both Mr Brown and Mr Lord relating to noise and crime in the immediate vicinity, dispersal and the capacity of the premises. They also noted that there was a dispersal policy.
6. The Committee were persuaded that the conditions and planning restriction permitted the premises to only trade as a restaurant and the Applicant would have to comply with those requirements. They accepted that the bar was not a separate bar are and that the premises would not be used for vertical drinking.

7. As well as all other evidence, the Committee considered that the proposed condition from Mr Kaner was unenforceable, but parts of the proposed condition were important. Alternative conditions relating to the dispersal policy was therefore drafted and added to the premises licence.
8. The Committee, in its determination of the matter, concluded that the conditions it imposed on the licence were appropriate and proportionate having regard to the West End cumulative impact zone and the promotion of the licensing objectives.
9. Having carefully considered the committee papers, additional papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives:

A. To grant permission for:

- **Late-Night Refreshment (Indoors)**

Monday to Saturday 23:00 to 01:00 hours
Sunday 23:00 to 23.30 hours

Seasonal variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

- **The Sale of Alcohol (On and Off the Premises)**

Monday to Saturday 10:00 to 01:00 hours
Sunday 12:00 to 23:30 hours

Seasonal variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

B. To grant permission for the premises to open to the Public

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

Seasonal variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

- C. The new premises licence will be subject to any relevant mandatory conditions.
- D. The premises licence is subject to the following agreed conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed at the hearing.

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - b. 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.
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - d. 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. 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.
12. There shall be no sales of alcohol for consumption off the premises after 23.00.
13. The external tables and chairs shall only be used between 08:00 and 23:00 each day and be rendered unusable at 23:00.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. 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.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. No waste or recyclable materials including bottles shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.
18. No collections of waste or recycling materials including bottles from the premises shall take place between 23:00 and 07:00 hours on the following day.

19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. 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.
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. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
23. Any alcohol supplied for consumption off the premises must be in a sealed container unless consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
24. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
25. **After 21:00** the premises shall only operate as a restaurant:
 - a. in which customers are shown to their table or the customer will select a table themselves,
 - b. where the supply of alcohol is by waiter or waitress service only,
 - c. which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - d. which does not provide any takeaway service of food or drink for immediate consumption off the premises,
 - e. 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.
 - f. 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.
g. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. Before 21:00, alcohol shall only be sold to persons seated at the premises and served by waiter/waitress service and restricted to no more than 90 customers at any time, as specified.
27. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
28. 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. In any event the total capacity for the external area shall not exceed 116, nor shall the total capacity for the internal area exceed 315
29. 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.
30. 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.
31. 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.
32. No licensable activities shall take place at the premises until premises licences 21/07023/LIPN and 21/07004/LIPN (or such other number subsequently issued for the premises) has been surrendered.
33. The premises shall have a Dispersal Policy and all relevant staff will be trained in its implementation. The Policy shall be reviewed every 6 months or earlier if the Premises Licence Holder becomes aware of an issue associated with dispersal.

34. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
35. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises when alcohol is being sold or supplied for consumption on the premises.

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

**The Licensing Sub-Committee
14 July 2022**

**2. UNIT 2, GROUND FLOOR AND BASEMENT, ILONA ROSE HOUSE,
MANETTE STREET, W1D 4AL**

WCC LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Thursday 14th July 2022

Membership: Councillor Less (Chairman), Councillor Southern and Councillor Sargent

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

Others present: Alun Thomas (Thomas and Thomas) Solicitors on behalf of Soho Estates Portfolio Limited (the Applicant).

For Soho Estates Portfolio Limited:
Adam Price
Matthew White

David Nevitt – Environmental Health Officer (EHO)
Karyn Abbott – The Licensing Authority (LA)
Tim Lord – The Soho Society
David Kaner – The Covent Garden Community Association (CGCA)
Richard Brown (Solicitor, Westminster's Citizens Advice) representing the Soho Society

Application for a New Premises Licence in respect of **Unit 2 Ground Floor & Basement Ilona Rose House, Manette Street, London W1D 4AL - 22/03404/LIPN**

FULL DECISION

Premises

Unit 2
Ground Floor & Basement
Ilona Rose House,
Manette Street,
London
W1D 4AL

Applicant and Premises Licence Holder (PLH)

Soho Estates Portfolio Limited

Ward

West End

Cumulative Impact

West End

Special Consideration Zone

N/A

Activities and Hours applied for

- ***Late Night Refreshment (Indoors and Outdoors)***
Monday to Saturday 23:00 to 01:00 hours
Sunday 23:00 to 23.30 hours
- ***Supply of Alcohol (On and Off the Premises)***
Monday to Saturday 10:00 to 01:00 hours
Sunday 12:00 to 23:30 hours
- ***Hours Open to the Public***
Monday to Saturday 08:00 to 01:00 hours
Sunday 08:00 to 23:30 hours
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Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act") to operate as a restaurant with ancillary bar. The premises is not currently trading.

The application seeks to licence the reconfigured layout of the premises.

Units 1, 2 and 3 are located on the ground floor and all areas are individually licensed. Unit 3 and 1 are not involved in this application. The existing basement (unit 4) is also licensed.

The application is to licence unit 2 which includes a portion of the licensed basement. Both areas have the benefit of an existing premises licence under references 21/07023/LIPN and 21/07004/LIPN.

The Premises Licence Holder seeks to mirror the existing Premises Licence, save to amend the capacity in current condition 25 (g), from 50 to 60.

The two existing Premises Licences for unit 2 and the basement will be surrendered if this application is granted.

The Premises are located within the West End Ward and West End Cumulative Impact Zone.

Representations Received

- David Nevitt - EHS
- Karyn Abbott - LA
- Soho Society
- Mr David Kaner – CGCA
- David Fares

Summary of Representations

The EHO object to the application on the grounds of the prevention of public nuisance and public safety. The Premises is located within the West End Cumulative Impact Zone.

The Licensing Authority note that the application falls within the PB1 policy, and the Applicant will have to demonstrate exceptional circumstances to allow to depart from Policy and that the hours fall outside of core hours for pubs and bars.

The residential objector objects to the proposed hours of trade as this will increase noise and potentially crime.

The residents' associations argues that the previous grants should be ignored as the associations missed the opportunity to object to that application in Dec 2021. They contend that the application is in a CIZ and due to the overall capacity of the premises this would have a negative cumulative effect on the area and is against policy.

Policy Position

CIP1

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

C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this

statement and must demonstrate that they will not add to cumulative impact.

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

HRS1

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:

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.

PB1 (B)

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.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
2. 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.
3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.

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.

SUBMISSIONS AND REASONS

39. It was agreed that the facts and evidence are identical in relation to the applications for Units 1 and 2 and therefore the Committee agreed to hear both applications at the same time, however separate decisions will be provided.

40. Mr Thomas on behalf of the Applicant explained to the Committee that this development is a family legacy and therefore will not be sold and the Applicant have an interest in ensuring the premises operate without issue.
41. The premises have planning permission for restaurant use and there is no independent bar use.
42. Up to 21:00 hrs, although food is available, customers can have a drink without food but thereafter, the premises will trade as a full restaurant. The layout of the premises is and is seen as a restaurant and not a bar.
43. The Committee were informed by Mr Thomas that current premises licence was granted in Dec 2021 and the Sub-Committee granted the Premises Licence, subject to conditions and on the basis that the restaurant operation subject to conditions will not add to the cumulative impact in the area.
44. Mr Thomas explained that the PLH has decided to split unit 4 and add it to unit 2. The footprint and hours on the Premise Licence remain the same. Unit 3 is unaffected. If granted the existing premises licence for 2 and 4 will be surrendered. The existing capacity of unit 4 will be split between units 1 and 2. There is no change to the external seating.
45. The PLH had the benefit of pre application advice. Trading hours remain as existing and are as granted on the premises and planning. The planning use for the premises is as a restaurant.
46. Mr Thomas submitted that the premises is in a good location with public travel available to disperse customers quickly. The site has CCTV, private cleansing teams, private security and is well managed.
47. The Committee were informed that the residents' associations had failed to object to the original application relating to this site because they were relying on the publication of the Licensing Reviews. He referred to the case of Albert Hall (Starting at page 3 of the Additional bundle). The Applicant had complied with the statutory advertising of the application, so the residents' association arguments should have no weight.
48. Mr Thomas stated that the previous applications have been determined and the Applicant has signed to lease this unit to a tenant. They have a legitimate expectation to trade the site as they have an existing and valid Premises Licence.
49. It was advanced on behalf of the Applicant that the circumstances have not changed since the original grant in Dec 2021, they have already demonstrated to the previous Committee that the operation will not add to the cumulative impact in the area.
50. Mr Thomas stated that he had attempted to contact the Soho Society but had received a response. There is a Dispersal Plan (page 93 of the agenda) and there is not a requirement to prove an exception to Policy for restaurant. With

the ancillary bar trade, if an exception is required, Mr Thomas confirmed that this is only up to 21.00, all seated customers and waiter/waitress service.

51. In response to questions from the Members, Mr Thomas confirmed there is no increase to the overall capacity of the site and that he believes that less people will be attracted to an area where there are 3 restaurants rather than where there are 4 different offerings. Food is available throughout the premises and there is no vertical drinking. Mr Thomas agreed on behalf of his client to MC 41 being added to the Premises Licence if granted.
52. Mr Thomas, assisted by Matthew Price confirmed that capacity is calculated based on floor space, means of escape and toilet provision. The capacity is shown on the plans, submitted in support of this application.
53. Mr Nevitt EHO, confirmed that there was pre application discussion and there is a reconfiguration of the plans, but the hours and terms remain the same as the existing Premises Licence.
54. Mr Nevitt explained that the issue is the capacity and whether the new scheme will have an adverse impact on the area. He did not feel that it would add to cumulative impact. He informed the Committee that the premises could not operate as a pub where there is vertical drinking because of proposed condition 25.
55. In response to the Committee, Mr Nevitt stated that there have been no noise impact or complaints, but it should be noted that the premises is not currently trading. He also stated that the capacity figures are based on seated customers and that the Committee could impose a maximum capacity figure for the different areas.
56. Mr Nevitt finally explained to the Committee that a main concern was the use of the outside area and its impact on neighbours. He referred the Committee to conditions 11-13 which controls its use.
57. Karyn Abbott on behalf of Licensing stated that Policy PB1 is relevant as up to 21.00 the premises is a drink led operation and that the Applicant should give exceptional reasons why the Committee should depart from the CIZ policy and also show why the premises will not add to CIZ.
58. Richard Brown on behalf of the Soho Society referred the Committee to his written submission at page 17 of the additional papers and advised the Committee that even though the number of premises is being reduced in the development, the large capacity still remains the same, and this will cause dispersal issues.
59. He explained that's no one objected to the application in December 2021, but each case is to be heard on its own merits. This is a new application for consideration so the submissions from the objectors are valid despite them not objecting on the previous occasion.

60. Mr Brown submitted that the existence of all 4 of the licensed premises at this site is a relevant factor as there is an addition of 847 people to a cumulative impact area. The planning permission permits use of the premises until 01.00 but it also restricts a separate bar use.
61. Soho Society submits that the application should be granted to core hours, the separate bar use up to 21.00 should be refused and the outside capacity limited.
62. Mr Brown continued to explain that paragraph D13 of Westminster's Licensing Policy (SoLP) purely states that Cumulative Impact (CI) increases rapidly from 21.00. However, Mr Brown submitted that CI becomes progressively worst through the day, it does not suddenly start at 21.00. This application seeks bar use independent of MC66 until 21.00.
63. The Committee was directed to para F127 of SoLP, which implies that the authority intention is to prevent restaurants from operating as a bar.
64. Mr Brown explained that the definition of bars and restaurants are different, and the Applicant should not be allowed to pick and chose which bits to apply to an operation. It is either a restaurant or a bar. The main issue is the effect of the overall capacity. He submitted that on the information provided at the hearing, the question to be answered is whether the grant will promote or adversely affect the licensing objectives.
65. Mr Lord on behalf of the Soho Society submitted to the Committee that Old Compton Street and Greek Street all have crime and disorder, and nuisance issues. There are three nightclubs which contribute to customer noise, music escape and traffic noise. There is a pedestrian area from the premises to both streets and this would increase the overall size of the CIZ area. Customers from the premises would therefore eat and leave into the worst area of Soho as far as crime, disorder and nuisance are concerned.
66. Mr Lord informed the Committee that the crime statistics in Greek Street are at the top end and there are not enough police officers to attend incidents.
67. Mr Lord felt it was a shame that more residents and the new residents in the accommodation nearest the site did not make any objections.
68. In response to the Committee, Mr Lord explained that he is concerned about customer migration to the nightclubs, dispersal of customers into a 'pinch' area and onto Greek Street, and that there was no way of stopping vertical drinking in the outside areas.
69. In response to the Objectors comments, Mr Thomas advised the Committee that the courtyard area is private, gated, covered by CCTV and private security. They have a dispersal plan. He submitted that if residents had concerns, they would have objected or made complaints to the authorities.
70. Mr Thomas explained that the units are not 'fronting' Greek Street, therefore there will be no noise and the area will be managed accordingly. He

confirmed that his clients would be happy with a cap on the maximum capacity but would rather it be left to the Environmental Health Officer's assessment. He emphasised that the premises would trade as a restaurant all day but before 21.00 customers would be able to sit, have waiter/waitress service and have a drink, without food. He agreed to a condition requiring food to be available when alcohol is being sold for consumption.

71. Mr Thomas also reminded the Committee that the original decision in Dec 2021, considered all issues in relation to the licensing objectives and residents. The police and EHO had all relevant information on that occasion and the premises licence, with conditions was granted. There are no objections from the police.
72. Mr Thomas stated that he would prefer the model condition (MC99) relating to the dispersal policy rather than the condition offered by Mr Kaner of the CGCA, which Mr Thomas considered to be unenforceable.
73. Mr Hardy, the Policy Advisor clarified the position in relation to SoLP. Namely that F112 is unlikely to apply to this premises as a majority of customers will be eating and food will be available. The bar is not a specific bar area but a feeder bar for the restaurant, the primary use.
74. Mr Thomas confirmed that a specific bar area is not wanted and that there would be no vertical drinking as in the usual bar operation.
75. Mr Hardy also confirmed that this application falls under RNT1. D13 is a policy to refuse applications for music and dancing venues and pubs and bars within the CIZ but there is an example of an exception if there is a terminal hour for the music and dancing venues, pubs and bars, if they close at 21.00.
76. Mr Thomas on behalf of his client agreed to the conditions commencing at page 55 of the agenda and also MC41, a restriction on capacity not to exceed 431, MC99 by would rather MC99 rather than the condition proposed by the CGCA at page 12 of the agenda.

DECISION

10. The Committee has determined an application for a grant of a **NEW** Premises Licence under the Licensing Act 2003. The Committee realises that it has a duty to consider each application on its individual merits. There is no policy presumption to refuse the application that is not within the Cumulative Impact Area provided the licensing objectives are not undermined.
11. The Committee was satisfied that, in accordance with the Licensing Act 2003, Home Office Guidance, Westminster's Licensing Policy and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.
12. In doing so, as well as other matters, the Committee noted that a premises licence was granted in Dec 2021 and that there were no changes save for the

layout of the premises. However, each case is heard on its own merits and as this is an application for a new premises licence, little weight was placed on the previous grant. All policy matters, objections and written and oral evidence were considered afresh.

13. The Committee noted that the Applicant sought to exclude the strict restaurant condition before 21.00 and noted D13 of the SoLP. Also noted were that there were no objections from the police and that the EHO believed the operation would not add to CIZ.
14. The Committee took into account the compelling evidence from both Mr Brown and Mr Lord relating to noise and crime in the immediate vicinity, dispersal and the capacity of the premises. They also noted that there was a dispersal policy.
15. The Committee were persuaded that the conditions and planning restriction permitted the premises to only trade as a restaurant and the Applicant would have to comply with those requirements. They accepted that the bar was not a separate bar area and that the premises would not be used for vertical drinking.
16. As well as all other evidence, the Committee considered that the proposed condition from Mr Kaner was unenforceable, but parts of the proposed condition were important. An alternative condition relating to the dispersal policy was therefore drafted and added to the premises licence.
17. The Committee, in its determination of the matter, concluded that the conditions it imposed on the licence were appropriate and proportionate having regard to the West End cumulative impact zone and the promotion of the licensing objectives.
18. Having carefully considered the committee papers, additional papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives:

E. To grant permission for:

- **Late-Night Refreshment (Indoors)**

Monday to Saturday 23:00 to 01:00 hours
Sunday 23:00 to 23.30 hours

Seasonal variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

- **The Sale of Alcohol (On and Off the Premises)**

Monday to Saturday 10:00 to 01:00 hours
Sunday 12:00 to 23:30 hours

Seasonal variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

F. To grant permission for the premises to open to the Public

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

Seasonal variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

- G. The new premises licence will be subject to any relevant mandatory conditions.
- H. The premises licence is subject to the following agreed conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed at the hearing.

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.

a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

b. 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.

c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

d. 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. 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.

12. There shall be no sales of alcohol for consumption off the premises after 23.00.

13. The external tables and chairs shall only be used between 08:00 and 23:00 each day and be rendered unusable at 23:00.

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

15. 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.

16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

17. No waste or recyclable materials (including bottles) shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.

18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 07:00 hours on the following day.

19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

20. 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.

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

23. Any alcohol supplied for consumption off the premises must be in a sealed container unless consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.

24. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.

25. **After 21:00** the premises shall only operate as a restaurant in which customers are shown to their table or the customer will select a table themselves,

a. where the supply of alcohol is by waiter or waitress service only,

b. which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,

c. which does not provide any takeaway service of food or drink for immediate consumption off the premises,

d. 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.

e. 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.

f. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. Before 21:00, alcohol shall only be sold to persons seated and served by waiter/waitress service and restricted to no more than 60 customers at any time, as specified.

27. 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. In any event the total capacity for the external area shall not exceed 48, nor shall the total capacity for the internal area exceed 155

28. 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

29. 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.

30. 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.

31. No licensable activities shall take place at the premises until premises licence 21/07024/LIPN (unit 2) and 21/07004/LIPN (unit 4) (or such other number subsequently issued for the premises) has been surrendered.

32. The premises shall have a Dispersal Policy and all relevant staff will be trained in its implementation. The Policy shall be reviewed every 6 months or earlier if the Premises Licence Holder becomes aware of an issue associated with dispersal.

33. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

34. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises when alcohol is being sold or supplied for consumption on the premises.

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

**The Licensing Sub-Committee
14 July 2022**

3. **CAFE ESPANA, BASEMENT TO FIRST FLOOR, 63 OLD COMPTON STREET, W1D 6HT**

WCC LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Thursday 14 July 2022

Membership: Councillor Iman Less (Chairman), Councillor Southern and Councillor Sargent

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

Others Present: Ms Sara Meloni (Applicant), Mr Jimenz (representing the Applicant), Ms Roxsana Haq (Licensing Authority), Mr Anil Drayan (Environmental Health Service), Mr Richard Brown, (Solicitor, Westminster's Citizens Advice and representing the Soho Society) and Mr Tim Lord (representing the Soho Society).

Application for a variation of a Premises Licence in respect of Cafe Espana Basement To First Floor 63 Old Compton Street London W1D 6HT – 22/03850/LIPV

Full Decision

Premises

Basement To First Floor
63 Old Compton Street
London
W1D 6HT

Applicant

Sara Meloni

Activities and Hours

Late Night Refreshment (Indoors and Outdoors)

Friday to Saturday 23:00 to 02:00 hours

Hours Open to the Public

Friday to Saturday 10:00 to 02:00 hours

Ward

West End

Cumulative Impact

West End

Special Consideration Zone

None

Representations Received

- Metropolitan Police Service - **Withdrawn**
- Licensing Authority (Roxsana Haq)
- EHO (Anil Drayan)
- Soho Society (Tim Lord) – Represented by Mr Brown

The Metropolitan Police objected but having agreed conditions and a reduction in the original application, the objection was **withdrawn**.

The Licensing Authority note that the application falls within the CIP1 policy, and the applicant will have to demonstrate exceptional circumstances to allow to depart from Policy and that the hours fall outside of core hours for restaurants Policy RNT1 and HRS1.

The Environmental Health Service (EHO) objects as the application may undermine the prevention of public nuisance. Conditions have been proposed by the EHO, but not yet agreed.

The Soho Society objects to the proposed hours of trade as this will adversely affect the licensing objectives and increase cumulative impact.

Summary of Application

This is an application for a variation of a Premises Licence under the Licensing Act 2003 (“The Act”). The application seeks to extend the terminal hours for late night refreshment from 00.30 to 02.00 on Fridays and Saturdays only.

There is a presumption to refuse the application unless an exception to policy is made and the Applicant shows that the application will not add to the cumulative effect in the area.

There is a resident count of 162.

The matter will be assessed on its individual merits having regard to the evidence before the LSC and the promotion of the licensing objectives.

Policy Considerations

CIP1

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

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

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

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

HRS1

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

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:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. 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.
3. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises
4. 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.
5. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
6. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.

7. The capacity of the premises.

8. 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.

9. 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.

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:

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 be to the same start and terminal hours for each of the days where licensable activity is permitted.

RNT1

- 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.
- CIA implications to consider (the applicant will need to demonstrate exceptional circumstances to depart from this policy and demonstrate how the application will not add to negative cumulative impact)

SUBMISSIONS AND REASONS

The Presenting Officer, Kevin Jackaman, introduced the application to the Committee and advised that the application was for a Variation to a Premises Licence for Late Night Refreshment on Friday and Saturday 23:00 to 02:00 hours.

He advised the Committee that representations had been received by the Environmental Health Service, Licensing Authority and the Soho Society. The Metropolitan Police Force had withdrawn their representation following the reduction of hours during consultation and because the Applicant had agreed to their proposed conditions. Mr Jackaman outlined that the premises is within the West End Ward and the West End Cumulative Impact Area.

Mr Jimenz (representing the Applicant) addressed the Sub-Committee. He advised that this was a small family run business which had been operating for 11 years. He outlined that the reason they wished to extend their hours on Friday and Saturday nights was so that they could gain extra trade from people who went to the West End cinemas, as the last showings did not finish until midnight.

The Committee were informed that that the business had suffered badly during the pandemic and the Applicant needed the extra hours at the weekends to make the business viable. He confirmed that the premises had never received any noise complaints and that their customers were responsible and quiet when leaving the premises.

In response to questions from the Sub Committee, Mr Jimenz advised that the Applicant was happy to have a SIA on the door on Friday and Saturday evenings.

He confirmed to the Committee that the Applicant understood that the licensing conditions were more stringent than those currently on her Premises Licence. He also confirmed that she was happy to comply with all the proposed conditions by the Responsible Authorities and promote the licensing objectives. He advised that the Applicant was an experienced operator and the premises had never suffered from crime and disorder. He emphasised that the premises was a seated restaurant where alcohol was ancillary to a table meal until midnight. He emphasised that after midnight only food would be available until 02.00am. He outlined that the Applicant

and her family lived above the premises. Soho was their home, so it was in Ms Meloni's interest to ensure that people behaved themselves whilst in and leaving the premises.

Ms Roxsana Haq representing the Licensing Authority advised that the Licensing Authority had maintained their representation as they were concerned with the increase of hours and that this increase in the terminal hour would add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1 and HRS1. Ms Haq advised that it was for the Sub Committee to decide what impact the additional one and half hours on the opening time on Friday and Saturday nights would have on the West End Cumulative Impact Area.

Mr Anil Drayon, representing the Environmental Health Service, informed the Committee that the Environmental Health Service had maintained their representation as the hours requested for late night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area. He added that the hours sought were outside the Council's core hours policy and there was a presumption to refuse the application unless an exception to policy was made and the Applicant demonstrated that the application would not add to the cumulative effect in the area.

Mr Drayon stated that it was a small family run premises which had not received any complaints or caused any issues to the Responsible Authorities. He explained that the premises was located on the corner of Old Compton Street and confirmed that all the proposed conditions had been agreed with the Police and the Environmental Health Service. He suggested that as this was a family operated business that a personal condition be added to the Premises Licence which would prevent other people operating these hours if ever the premises was sold. This was because the premises was located within the West End Cumulative Impact Area,

He suggested to the Committee that the condition should read 'The provision of hot food and hot drink for the purpose of consumption on the premises after 00.30 hours on Fridays and Saturdays, shall only be permitted whilst the Premises Licence Holder is Sara Meloni'.

In response to questions from the Committee, Mr Jimenz advised that the premises was located in a very busy area and the Applicant just wanted to offer people a place where they could have a meal late at night. He emphasised again how the hospitality industry had suffered during the pandemic. He added that the Applicant wanted to offer this service to see if it was a viable option for the business. He confirmed that there was no take-away food. He explained that food was served up to 45 minutes before closing time and considered that the offer of food would help calm people down before leaving the West End area. He confirmed that the family owned the whole building and that there was a bed and breakfast next door.

In response to questions from the Committee, Mr Drayon advised that if the Sub Committee were minded to grant the application the variation to the Premises Licence, the grant with new conditions would promote the licencing objectives further than their current Premises Licence. He added that the proposed conditions from

the Responsible Authorities were more up to date. He reminded the Committee that an application had not been made to extend the Supply of Alcohol until 02.00am.

Mr Richard Brown, Solicitor, Westminster's Citizens Advice and representing the Soho Society, advised the Committee that their representation against the application was policy based and was not a criticism of the Applicant or the way they operated their premises. He emphasised that it was simply because of its location, the sheer number of licensed premises in this very busy part of West End Cumulative Impact Area and the number of people who were in the area late at night which caused public nuisance. He referred to the Council's Restaurant Policy and advised that the premises already operated beyond the Council's Core Hours Policy. He outlined the possibility of the premises selling a bottle of wine to customers five minutes before midnight which could then be consumed until the premises closed.

The Committee were informed by Mr Brown that high numbers of people in one area attracted criminals who targeted visitors late at night when there were less police present. He added that although the Committee were only considering this application today the overall impact on the area must be considered when determining the application. He commented that the promotion of the licensing objectives was good practice and the state of a premises' financial issues, which had been raised on a number of recent applications, could be solved in a number of ways and not just by increasing their operating hours. He added that the Soho Society were sympathetic with the Applicant's situation and have suggested that the Committee grant them a Premises Licence for the hours set out in the application but for a limited period only.

The Committee were informed by Mr Tim Lord representing the Soho Society that the premises was located in a very busy part of Soho which was already a severely impacted area in terms of late-night noise. He acknowledged that he was sympathetic to the difficulties that restaurants had faced during the pandemic and advised that the Soho Society was open to the premises operating with extended hours on a temporary or time limited basis to deal with an 'one off' issue. He explained that permanent changes in the trading conditions of restaurants in Soho should ultimately be dealt with through rent reviews or lower rents and not a change in licensing policy. He outlined that the Soho Society had supported the Al Fresco scheme in 2020.

In response to questions from the Committee, Mr Lord advised that the Soho Society would only be content for this application to be granted if it were done so on a temporary basis for say a year or 18 months so the Applicant could recover some of their lost earnings during COVID. He added that if the premises was suffering from a permanent financial problem, then the Applicant needed to look at other ways to change their operation/business model.

The Committee were advised that the Soho Society would be supportive of the Committee granting a personal Premises Licence to the Applicant. This was because the Applicant and her family were local residents who lived above the Premises. He emphasised it would be reasonable to grant a Premises Licence for a limited period for say one year or 18 months in a response to the COVID crisis.

In response to questions from the Committee, Mr Jimenz confirmed that the Applicant wanted the Premises Licence, if granted, to be on a permanent basis and that she was content that the personal condition suggested by the Environmental Health Service be attached to the Premises Licence.

Conclusion

The Committee has determined an application for a grant of a Variation of a Premises Licence under the Licensing Act 2003. The Committee realises that it has a duty to consider each application on its individual merits.

The Committee considered the application on its individual merits. In reaching their decision, the Committee took into account all the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

The Committee was satisfied that, in accordance with the Licensing Act 2003, Home Office Guidance, Westminster's Statement of Licensing Policy and on the evidence before it, that it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.

The Committee consider this provides the right balance for the Applicant, residents and premises when it comes to the promotion of the licence objectives.

The Committee decided that the Applicant had provided valid reasons as to why the granting of the variation of the Premises Licence would promote the licensing objectives having regard to the premises being located within the West End cumulative Impact zone.

The Committee took note that the Applicant lived above the Premises and was therefore a resident of Soho who had a keen interest in keeping the area free of crime and disorder and public nuisance. They were also persuaded that the varied Premises Licence with updated, considered, and stringent conditions promoted the licensing objectives far more than the existing Premises Licence conditions.

The Committee also noted that the premises has traded and been managed thus far without there being an issue as far as crime and disorder and public nuisance is concerned.

The Committee also decided that if they were minded granting the variation for a time limited premises, as suggested, this would be on the basis of the grant not adversely affecting the licensing objectives. If the grant promotes the licensing objectives, then there is no reason or evidence why the variation cannot be permanent.

In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and proportionate and would promote the licensing objectives.

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

1. **To grant permission for Late Night Refreshment (Indoors and Outdoors)** Friday and Saturday 23:00 to 02:00 hours.
2. **To grant permission for the Opening Hours of the Premises** Friday and Saturday 10:00 to 02:00 hours.
3. The varied premises licence will be subject to any relevant mandatory conditions.
4. The varied premises licence is subject to the existing conditions insofar as they are not varied or amended by the following agreed conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a licensing hearing:-

13. 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.

14. 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.

15. 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.

16. 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.

17. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises **on Fridays and Saturdays** from 23:00 hours until close, and they must correctly display their SIA licence(s) when on duty so as to be visible.

18. There shall be no sales of hot food or hot drink for consumption off the premises after Midnight.

19. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

20. 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.

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

22. 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.

23. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

25. 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 collections are arranged during the times for the Council's own commercial waste collection service for the street.

26. 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 collections are arranged during the times for the Council's own commercial waste collection service for the street.

27. 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.

28. The number of patrons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.

29. The provision of hot food and hot drink for the purpose of consumption on the premises after 00.30 hours on Fridays and Saturdays, shall only be permitted whilst the Premises Licence Holder is Sara Meloni.

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

**The Licensing Sub-Committee
14 July 2022**

4. 29A ST JOHN'S WOOD HIGH STREET, NW8 7NJ

WCC LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Thursday 14 July 2022

Membership: Councillor Iman Less (Chairman), Councillor Southern and
Councillor Sargent

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

Others Present: Mr Alun Thomas (Solicitor for the Applicant)

Application for a variation of a Premises Licence in respect of
29A St John's Wood High Street London NW8 7NJ
- 22/03569/LIPN

Full Decision

Premises

29A St John's Wood High Street
London
NW8 7NJ

Applicant

Stradawood Limited

Ward

Regent's Park

Cumulative Impact Area

N/A

Special Consideration Zone

N/A

Activities and Hours

The Premises Licence application requests the following Activities and Hours

- *Recorded music (Indoors)*
Mondays to Saturdays 11.00 to 00.30
Sundays 12.00 to 00.00
- *Late Night Refreshment (Indoors)*
Mondays to Saturdays 23.00 to 00.30
Sundays 12.00 to 00.00

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

- *Sale of alcohol for consumption on the premises (Indoors)*
Mondays to Saturdays 11.00 to 00.00
Mondays to Saturdays 11.00 to 23.00 (Forecourt only)
Sundays 12.00 to 23.30
From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day (11.00 to 23.00 Forecourt only).
- *Hours Open to the Public*
(Mondays to Saturdays 09.00 to 01.00
Sundays 09.00 to 00.30

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

Representations Received

- One Local Resident

The local resident requested additional details to how the Landlord will ensure noise nuisance is kept to a minimum in the evening.

Summary of the Application

This is an application for a new shadow Premises Licence under the Licensing Act 2003 ("The Act"). The premises operates as a restaurant. The application has been submitted by the freeholder seeking a premises licence on the same terms, plans and conditions as 21/04316/LIPT. There is a resident court of 286. The matter will be assessed on its individual merits having regard to the evidence before the LSC and the promotion of the licensing objectives.

Policy Considerations

HRS1

- 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.

- 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:
 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. 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.
 3. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises
 4. 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.
 5. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 6. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 7. The capacity of the premises.
 8. 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.
 9. 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.

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:

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 be to the same start and terminal hours for each of the days where licensable activity is permitted.

RNT1

- 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.

SUBMISSIONS AND REASONS

The Presenting Officer, Mr Kevin Jackaman, introduced the application. He advised that the Applicant seeks a Shadow Licence to be held by the freeholder of Stradawood Limited on the same terms as the existing licence 21/04316/LIPT. He

advised that one representation had been received from a local resident. He confirmed that no representations had been received by any of the Responsible Authorities. He outlined that the Premises is within the Regent's Park Ward and is not within a Cumulative Impact Area or a Special Consideration Zone.

Mr Thomas (representing the Applicant) addressed the Sub-Committee. He advised that a shadow Premises Licence was granted on the same terms as the original operating Premises Licence to the superior lessee or freeholder. They were common when the operating Premises Licence was of commercial value as they lessened the impact of the operating premises licence permanently lapsing due to insolvency as the shadow Premises Licence could be transferred to a new tenant in such circumstances. He explained that the Applicant had written to the resident who had made a representation against the application but had not received a response.

Mr Burnett, Legal Advisor to the Sub Committee and Mr Thomas then briefly discussed the wording to a proposed condition regarding when the Shadow Licence should take effect and agreed that the following condition should be added to the Premises Licence:

'This Premises Licence shall have no effect until Premises Licence No. 12/09784/LIPT or such other premises licence number subsequently issued for the premises, lapses, is surrendered or revoked'.

Conclusion

The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application. It was noted by the Sub-Committee that the Metropolitan Police, Environmental Health Service and the Licensing Authority had not made representations against the application.

The Sub-Committee in light of the evidence before it and the arguments considered Paragraph D20 on page 49 of the SoLP which reads:-

"The Licensing Authority may consider granting applications for licences that duplicate the terms and conditions of the current operational licence for that same premises but are issued to the landowner, or other person with an interest in the property and that the licence has no affect by condition. These 'Shadow Licences' are normally sought by the landowner to protect the interest of their property due to the Policy to refuse certain new applications. A Shadow Licence will, in the event that a licence lapses, is surrendered or is revoked the property own can look to market the property with the licence. The holder of the Shadow Licence would in those circumstances need to apply to the Licensing Authority to vary the licence to remove any conditions preventing the use of that licence. At that point the Licensing Authority will consider whether the operation of the premises is likely to be an exception to policy. It will be for the Shadow Licence licensee to demonstrate that they are an exception within the applications operating schedule"

The Committee using its discretionary powers concluded that Paragraph D20 of the Policy had been met by the Applicant on the basis that this was an application for a shadow licence identical to the existing Premises Licence in terms of hours and conditions. Therefore, the Committee could see no real justification for rejecting the application.

Having taken into account all the evidence and the individual circumstances of this case the Committee decided to grant the application. The Sub-Committee was satisfied that the application was suitable for the local area and had addressed any concerns raised.

The Committee further considered the conditions proposed were proportionate to ensure that the licence promoted the licensing objectives.

The Committee arrived at this decision based upon the merits of the application that will uphold the promotion of the licensing objectives.

In reaching its decision, the Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and proportionate and would promote the licencing objective.

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

I. To grant permission for:

- Recorded music (Indoors)
Mondays to Saturdays 11.00 to 00.30
Sundays 12.00 to 00.00
- Late Night Refreshment (Indoors)
Mondays to Saturdays 23.00 to 00.30
Sundays 23.00 to 00.00

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

- Sale of alcohol for consumption on the premises (on sales)
Mondays to Saturdays 11.00 to 00.00
Mondays to Saturdays 11.00 to 23.00 (Forecourt only)
Sundays 12.00 to 23.30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Mondays to Saturdays 11.00 to 23.00 (Forecourt only)

J. To grant permission for the premises to open to the Public

Mondays to Saturdays 09.00 to 01.00
Sundays 09.00 to 00.30

Seasonal variations: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

- K. The new premises licence will be subject to any relevant mandatory conditions.
- L. The new premises licence is subject to the following considered and agreed conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a licensing hearing:-

9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

10. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) any complaints received regarding crime and disorder
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

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

13. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

15. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking substantial table meals there and for consumption by such a person as ancillary to their meal".

16. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as ancillary to meals served in the licensed premises.

17. The service of intoxicating liquor on the forecourt area shall be by waiter/waitress service only.

18. No off sales are permitted.

19. No draught beer to be sold.

16. No raw fresh food shall be cooked on this part of the premises known as 29 St Johns Wood High Street.

17. For the provision of Late-Night Refreshment the premises may remain open on New Year's Eve from 23:00 to the start of licensable activities on New Year's Day.

18. All furniture in the Forecourt area is to be removed from the highway no later than 23:00 hours daily.

19. Deliveries, collections and operational servicing are to be carried out between 07:00 and 19:00 hours.

20. This Premises Licence shall have no effect until Premises Licence No. 12/09784/LIPT or such other premises licence number, subsequently issued for the premises, lapses, is surrendered or revoked.

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

**The Licensing Sub-Committee
14 July 2022**

The Meeting ended at 3.14 pm