



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 13th October, 2022**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Maggie Carman (Chair), Judith Southern and Louise Hyams

1. MEMBERSHIP

1.1 That there were no changes to the membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. GETIR UK, LOWER GROUND FLOOR, HARLEY STREET UNDERGROUND CAR PARK, QUEEN ANNE MEWS, W1G 9HF

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Thursday 13 October 2022

Membership: Councillor Maggie Carman (Chair), Councillor Judith Southern and Councillor Louise Hyams

Officers Support: Legal Adviser: Vivienne Walker
Policy Officer: Kerry Simpkin
Committee Officer: Georgina Wills
Presenting Officer: Kevin Jackaman

Present: Chris Nixon, UK Compliance Manager, Getir Uk Limited
Giorgio Colaci, Area Manager, Getir Uk Limited
Maxwell Koduah, Environmental Health Service
Neil Stevens, Milford House Residents Association

Application for a New Premises Licence in respect of Getir UK Lower Ground Floor Harley Street Underground Car Park Queens Anne Mews London W1G 9HF 22/04800/LIPN – Item 1

FULL DECISION

Premises

Getir UK
Lower Ground Floor
Harley Street Underground Car Park
Queen Anne Mews
London W1G 9HF

Applicant

Getir UK Limited

Ward

Marylebone

Cumulative Impact Zone

N/A

Special Consideration Zone

N/A

Activities and Hours applied for

Sale by Retail of Alcohol (Off Sales Only)
Monday to Sunday 08:00 to 00:00 hours

Hours Premises are Open (No public access to the Premises)
Monday to Sunday 00:00 to 00:00 hours

Case Summary

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises propose to provide a delivery service of groceries and convenience items including alcohol.

The Premises are located within the Marylebone Ward but not within the Cumulative Impact Zone or the Special Consideration Zone.
There is a resident count of 100.

Representations were received from the Environmental Health Service (EHS), one Ward Councillor, the Marylebone Association and thirteen local residents.

Summary of Objections

- EHS made representations on the basis that the supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.
- Marylebone Ward Councillor had maintained representation on the licensing objectives of the Prevention of Crime and Disorder, Prevention of Children from Harm and Prevention of Public Nuisance.
- Marylebone Association had maintained representation on the licensing objective of the Prevention of Public Nuisance.
- Residents had maintained representations on the licensing objectives of the Prevention of Public Nuisance, Public Safety and Prevention of Crime and Disorder.

Policy Considerations

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.

DC1

Applications for a delivery centre outside the West End Cumulative Impact Zone will generally be granted subject to the following:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours of licensable activities are within the Council's Core Hours Policy HRS1. 3. The premises are not located in a predominantly residential area. 4. The application and operation of the venue meeting the definition of a delivery centre in clause D.

SUBMISSIONS AND REASONS

1. Mr Kevin Jackaman, Senior Licensing Officer, outlined the application and advised that the application was for a new Premises Licence and that the premises intended to provide a delivery centre which would provide groceries and convenience items including alcohol. Mr Jackaman advised that the Applicant had altered the hours requested for the supply of alcohol from 06:00 to 00:00 hours to 08:00 to 00:00 hours. He confirmed that several representations against the application had been received and this included the Environmental Health Service and thirteen residents. The Premises are situated in the Marylebone Ward but not in any Cumulative Impact Area or Special Consideration Zone.
2. Mr Chris Nixon, UK Compliance Manager for Getir UK Limited advised the Sub-Committee that Getir UK was an online retailer which supplied convenience items and groceries. The Company delivers goods by a courier service to customers' homes. Mr Nixon advised that the Premises were a small hub and a low impact distribution centre. The Premises cannot be accessed by the public. He stated that the alcohol supplied accounted to less than 5% of overall sales. The Sub-Committee was advised that the most popular product sold during the latter hours was milk and not alcoholic beverages. The peak hours for trade are between 17:00 to 21:00 and the hours applied for were based on customer demands. Mr Nixon advised that the Premises were not a large distribution centre and did not operate a fast delivery service.
3. Mr Nixon advised that customers are required to download an App and create an account which needs to be verified. He informed that customers were required to nominate a verified address and that deliveries are not made in open spaces. The Sub-Committee were informed that all transactions are done online and that there are no cash exchanges. Mr Nixon stated that couriers are based in the Premises and return immediately after completing deliveries. There are two supervisors at the Premises and all staff members receive training and wear a uniform. The training delivered include Challenge 25, proxy sales and road safety. Mr Nixon advised that the delivery speeds of goods was not promoted, and that focus was on accuracy in selecting and delivering goods.
4. In response to the Sub-Committee, Mr Nixon advised that a planning application had been submitted on 26 July 2022 and was awaiting consideration. He commented that Conditions offered had not been disputed and it was anticipated that the application would be granted. Mr Nixon confirmed that relief drivers from recruitment firms receive the same training as other staff members and were expected to adhere to the same practises and standards.
5. In response questions from the Sub-Committee, Mr Nixon commented that the Premises were considered as 'low impact' and that the correct legal process would be undertaken when addressing concerns and that issues raised.
6. Mr Nixon advised that deliveries are received between once or twice a day, and this was dependent on demand. All deliveries and waste collection are done via the car park.

7. Mr Nixon stated that a wide range of goods are available, and this was to ensure that the company can compete with competitors and for the business to remain viable. He advised that the Applicant was a responsible retailer and that couriers are trained to decide on scenarios such as whether customers are underage. Mr Nixon advised that a condition which required for shift manager's contact numbers to be displayed would be agreed and that the staff members are present.
8. Mr Maxwell Koduah, for Environmental Health Service advised that there had been discussions with the Planning Service, it was agreed that the terminal hour of 00:00 was appropriate. He advised that the locality was predominantly residential, and that the Applicant would be required to ensure that its delivery operations would not impact residents. Mr Koduah advised that several conditions had been recommended and informed that an additional condition which required the Applicant to use silent vehicles for deliveries should be imposed. The Sub-Committee noted that Policy HRS1 granted them controls to reduce operational hours if it were viewed that this would promote the licensing objectives. Mr Koduah reminded the Sub-Committee that each case should be considered on its merits and advised that the Applicant had agreed to conditions which would mitigate concerns regarding public nuisance.
9. Mr Neil Stephens, local resident, on behalf of Milford House Residents Association advised that he had lived in the locality for three decades. He stated that the Applicant had altered their application and changed their hours from 06:00 to 08:00 hours. He commented that this was an indication that the Applicant was aware that their operations would have an impact on residents. Mr Stephens stated that it was uncertain when staff would start to get their deliveries ready. He advised that the Applicant's description of the premises site was inaccurate and misleading. The site was a car park and not a trading estate and was accessible to the public. The Sub-Committee was informed that the site would be vulnerable to criminal activity in particular individuals who wished to access the alcoholic beverages and that this would put residents at risk. Mr Stephens stated that alcohol being stored at the site would pose a fire risk.
10. Mr Stephens advised that the premises would be operating 18 hours a day and raised concerns regarding public nuisance in the location during these periods and that resident's amenities would be affected. He stated that the Applicant had advised that they would endeavour to only use electric vehicles, but these delivery vehicles would cause noise nuisances.
11. Mr Stephens commented on the photographs submitted and depicted how the premises would operate and advised that the operation would cause traffic. Also, there was no information where staff members were permitted to smoke. He advised that the Applicant should operate in their usual sites which were warehouses and not from a car park which was in a predominantly residential area.

In response to questions from the Sub-Committee Mr Stephens advised that the car park was previously a self-contained area which was locked and could be accessed within set hours. He advised that the usage of this area had evolved and that other delivery drivers would ignore parking restrictions.

Lorries caused noise nuisance when dismantling goods from vehicles and transferring them to storage in the car park. The car park was used for storages by various large companies and these activities caused public nuisance.

12. In his summing up, Mr Nixon advised that he was unaware of the vehicles which were in the photographs submitted by Mr Stephens. He confirmed that the Applicant had agreed to a condition which prohibited the loading of goods in the car park. Mr Nixon advised that there was no application for late night refreshments and that no food would be prepared in the premises. He advised that operational hours had been altered to secure planning permission. He confirmed that the site would not be assessable to the public and did not pose any fire risk. He advised that electrical vehicles and motorcycled bikes did not cause any noise nuisance and stated that there would be a designated area for smoking. The Sub-Committee was advised that the Applicant was a responsible retailer and reminded that alcohol was delivered to customers homes and not in open spaces. He confirmed that conditions had been agreed to ensure that no nuisance emanate from the premises.

Conclusion

The Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Committee is aware that it has a duty to consider each application on its own individual merits and did so when determining this application.

The Sub-Committee noted that the Applicant had engaged with Environmental Health Service (EHS) and agreed to all the Conditions proposed by EHS. The Sub-Committee were mindful of the fact that the Applicant had amended the trading hours.

The Sub-Committee was satisfied that in accordance with the Licensing Act 2003, Home Office Guidance and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.

In reaching its decision the Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not undermine the licensing objectives.

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

1. To grant permission for the **Sale by Retail of Alcohol (Off Sales Only)** Monday to Sunday 08:00 to 00:00 hours.

2. To grant permission for the **Opening Hours for the Premises** Monday to Sunday 00:00 to 00:00 hours.
3. That Licence is subject to relevant mandatory conditions as specified in the agenda papers.
4. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

6. There shall be no access to the public for purchase of alcohol at any time.
7. Drivers will await deliveries by waiting in an internal section of the premises until such time as a delivery is ordered. Staff on site will ensure that no excessive noise is created by the drivers when leaving or entering the Premises.
8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. The CCTV system shall continually record whilst the premises are open for licensable activities. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised Council Officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
10. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which will record the following:
 - a) Any complaints received
 - b) Any faults in the CCTV system
 - c) Any visit by a relevant authority or emergency service
 - d) Any refusal of the sale of alcohol
11. The premises will be maintained in a safe manner at all times.
12. All exits will be kept unobstructed, easy to open and clearly signed.
13. Notices will be displayed asking staff to leave the premises quietly and to have respect for local residents.
14. Delivery of alcohol will be refused whereby the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.

15. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
16. When a delivery is to be carried out by an employed driver:
 - a. A Challenge 25 scheme shall be operated, whereby if supply of alcohol is to any person who appears to be under the age of 25 years of age, they will be required to produce on request an item which meets the mandatory age verification requirement and is either a:
 - i. Proof of age card bearing the PASS Hologram.
 - ii. Photocard driving licence.
 - iii. Passport; or
 - iv. Ministry of Defence Identity Card
 - b. All staff engaged in the sale or supply of alcohol on the premises shall have received training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence.
 - c. Training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request.
 - d. A refusals record shall be maintained at the premises. The log/register will contain:
 - Details of the time and date the refusal was made.
 - The identity of the driver who refused the sale.
 - Details of the alcohol the person attempted to purchase.

This log/register shall be made available for inspection by a Police or other authorised officer upon request.
17. Notwithstanding Conditions above; where third-party couriers are employed for deliveries these third parties shall maintain their own Challenge 25 Policies and age verification training.
18. When using third party couriers, all consignments of alcohol will be dispatched through reputable couriers only.
19. 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.
20. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she is aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.

21. The Premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises.
22. The Premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises.
23. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises.
24. Deliveries shall only be made to a bona fide residential or business addresses.
25. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licensed premises.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
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. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
29. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
30. The Premises Licence Holder shall ensure that no combustion engine motorised vehicles (including mopeds, motorcycles, cars, vans) are permitted to make deliveries from the premises.

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

This Decision takes immediate effect.

**The Licensing Sub-Committee
13 October 2022**

**2. THE ESTABLISHMENT, SECOND AND THIRD FLOOR FRONT AND
MEZZANINE FLOOR FRONT, 18 GREEK STREET, W1D 4JD**

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2

Thursday 13 October 2022

Membership: Councillor Maggie Carman (Chair), Councillor Judith Southern
and Councillor Louise Hyams

Officers Support: Legal Adviser, Vivienne Walker
Policy Officer, Kerry Simpkin
Committee Officer, Georgina Wills
Presenting Officer, Kevin Jackaman

Present: Niall McCann, Keystone Law Solicitors, Applicant's Legal
Representative, Soho Bars & Clubs Ltd
Don Cameron, Head of Operations, Soho Bars & Clubs Ltd
Orinta Kilaite, HR & Operations Manager
Anil Drayan, Environmental Health Service
Karyn Abbott, Licensing Authority
Richard Brown, Westminster Citizens Advice Bureau
representing Marina Tempia, The Soho Society
Marina Tempia, The Soho Society

**Application for a New Premises Licence in respect of The Establishment
Second Floor and Third Floor Front and Mezzanine Floor Front 18 Greek Street
London W1D 4JD 22/07287/LIPN**

FULL DECISION

Premises

The Establishment,
Second Floor and Third
Floor Front and
Mezzanine Floor Front, 18
Greek Street, London
W1D 4JD

Applicant

Soho Bars & Clubs Ltd

Ward

West End

Cumulative Impact Zone

West End

Special Consideration Zone

N/A

Activities and Hours applied for

Sale by Retail of Alcohol (On Sales)

Monday to Thursday 09:00 to 23:30 hours

Friday to Saturday 09:00 to 23:30 hours

Sunday 09:00 to 22:00 hours

Seasonal Variations: Sundays immediately prior to a bank holiday 09:00 to 23:30 hours.

Late Night Refreshments (Indoors)

Friday to Saturday 23:00 to 23:30 hours

Seasonal Variations: Sundays immediately prior to a bank holiday 23:00 to 23:30 hours.

Opening Hours for the Premises

Monday to Thursday 09:00 to 23:30 hours

Friday to Saturday 09:00 to 00:00 hours

Sunday 09:00 to 22:30 hours

Seasonal Variations: Sundays immediately prior to a bank holiday 09:00 to 00:00 hours.

Summary of Application

The Premises intend to operate as a standalone restaurant with an optional function room comprising the second and third floors of 18 Greek Street.

Representations Received

- Metropolitan Police Service (PC Adam Deweltz – **Withdrawn**)
- Environmental Health Service (Anil Drayan)
- Licensing Authority (Karyn Abbott)
- The Soho Society

Summary of Representations

- Environmental Health Service had made a representation on the Licensing objections of the Prevention of Public Nuisance and Public Safety.
- The Licensing Authority had concerns as to how the premises would promote the Licensing Objectives, namely, the Prevention of Public Nuisance,

Prevention of Crime & Disorder, Public Safety and Protection of Children from Harm.

- The Soho Society had maintained representation on the Licensing objection of Public Safety and the oversaturation of Licensed Premises in the locality.
- The Metropolitan Police Service had withdrawn their representation following the Applicant agreeing to the proposed conditions.

Policy Considerations

HRS1

- Under Policy HRS1, applications within the core hours set out in the policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.

RNT1(B)

- Under Policy RTN1 (B) Applications outside the West End Cumulative Impact Zone will generally be granted subject to the application meeting the requirements of policies CD1, PS1, PN1 and CH1

SUBMISSIONS AND REASONS

1. The Presenting Officer, Mr Kevin Jackaman introduced the application and advised that the application was for a new Premises Licence which intends to operate as a standalone restaurant with an optional function room comprising the second and third floors of 18 Greek Street. He confirmed that several representations against the application had been received and this included the Environmental Health Service, Licensing Authority and The Soho Society. The Metropolitan Police Service withdrew their representations following the Applicant agreeing to their proposed conditions. There were additional representations submitted by the Applicant and the Soho Society and these were circulated to all interested parties. The Premises are situated in the West End Ward and the West End Cumulative Impact Zone.
2. Mr Niall McCann, legal representative for the Applicant advised the Sub-Committee that the application was for a restaurant which would operate within the core hours. Mr McCann advised that the Premises will be operated by a specialist Chef specialising in Filipino cuisine and would have an 'open kitchen'. He advised that the Premises would have themed nights which included 'wine and food' and cabaret as well as corporate events. The Premises are accessible via Greek Street and is not located on the ground floor. Mr McCann advised that the Premises shared the same entrance with Zebrano Bar and Restaurant which are located on the ground floor. He advised that facilities such as public toilets were shared by both Premises. The entrance for both Premises is not staffed

before 17:00 hours, patrons are able to go straight to the Restaurant if they visit before this timeframe. The entrance will have SIA door supervisors after 17:00 hours and staff members will direct patrons to their chosen Restaurant.

3. Mr McCann advised that the Applicant had liaised with the Responsible Authorities and that representations made by the Soho Society related to their concerns regarding an additional licensed premises being available in the locality, the use of the roof terrace and proposed events. The Sub-Committee were advised that additional information had been provided by the Applicant regarding the use of the roof terrace and there was no access to this area before 17:00 hours or to patrons. Mr McCann stated that it was acknowledged that the Premises were in a Cumulative Impact Zone. He advised that the Westminster City Council Licensing Policy RNT1 permits new restaurants in the West End Cumulative Impact Zone if they are within core hours, do not add to the cumulative impact and meet the Restaurant Model Condition (MC 66). Mr McCann advised that these requirements had been met and that there would be no off sales.
4. Mr McCann stated that all Events will be prebooked and take place within core hours and limited to 40 persons. The Events will be with waiter service and no external promoters will be used, and guests will be seated. He advised that Premises would not hold events which would cause public nuisance. The Sub-Committee were informed that DJ nights will take place in Zebrano. Mr McCann advised that the Applicant had previously used Temporary Event Notices (TENs) and two had been recently granted in September 2022. These were used for a Cabaret night which had seated guests and attracted under 24 patrons. The Sub-Committee were advised that TENs would not be frequently used, and the Premises business model was to ensure that the Restaurant is fully booked. He advised that it was anticipated that most Events which will be booked will either not be licensable or fall under MC66. The Comedy nights will have a food and patrons will be seated. There will be Comedy and Corporate Networking Events every fortnight and this will equate to 52 events a year. The Sub-Committee were advised that a condition which stipulates that Events which do not fall under MC66 be will limited to 52 events per annum and this would be accepted.
5. Mr McCann stated that Case Law required for economic factors to be taken into consideration in particularly in relation to supporting Licensed Premises and enabling them to be viable. He advised that the proposed business model which included events would ensure that the Premises are able to sustain trade. The Sub-Committee were reminded that TENs were limited and had a high administrative cost. Mr McCann advised that the application was modest and unique and was subject to MC66. He highlighted that the Premises were not a public house or bar, that the Responsible Authorities were in support of the Application and no representations had been received from residents.
6. In response to questions from the Sub-Committee. Mr McCann confirmed that Zebrano was located on the Ground and First Floor and that the Premises would be based on second and third Floor. The proposed occupied areas were previously used as an office. Mr McCann advised that Policies stated that well

operated restaurants did not add to the cumulative impact and confirmed that conditions had been agreed by the Applicant and Responsible Authorities. Following questions from the Sub-Committee, Mr McCann advised that corporate networking events were usually attended and organised by Associations of small business, and these attracted professional from different sectors.

7. The Sub-Committee were informed that a condition which prohibited the Premises from causing public nuisance such as noise had been accepted and this would apply to events such as Comedy nights. Mr McCann advised that Zebrano was operated by the Applicant and that the Premises would offer a different offer. The Sub-Committee were informed that a lift could not be installed in the building and that a condition which required for staff contact numbers to be made available to the public had been accepted.
8. Anil Drayan, for Environmental Health Service advised the Sub-Committee that the Applicant had agreed to a series of conditions, and these were listed at pages 54 to 57 of the Licensing Sub-Committee Agenda. Mr Drayan stated that the Application was satisfactory, and he had maintained his representations to assist the Sub-Committee. He confirmed that the Premises were visited, and that the Applicant had been advised to explore providing disabled access to the building and commented that this was required under Building Control. The Sub-Committee were informed that the Applicant would have to consult with Building Control about the feasibility of providing disabled access to the building. Following questions from the Sub-Committee, Mr Drayan advised that the Applicant had agreed a condition with the Metropolitan Police Service which required for the Events to be pre booked, ticketed, and fully risk assessed. The Sub-Committee noted that patrons attending events would also be limited.
9. Karyn Abbott, for the Licensing Authority advised the Sub-Committee that representations had been maintained as the Premises were in the West End Cumulative Impact Zone and that there had been mediation between the Applicant and Responsible Authorities. Ms Abbott advised that there were concerns regarding Events and highlighted that the Applicant had proposed to limit them to 52 per annum. She stated that conditions which required for events to be with waiter service and seated excluding the networking events had been accepted by the Applicant.
10. Mr Richard Brown, representing Marina Tempia for the Soho Society advised that feedback had been sought from residents from Compton Street and that their dwellings were located at the rear of the Premises. Mr Brown advised that concerns from these residents were in relation to the use of the Terrace and acknowledged that this had now been addressed. He stated that a condition which prohibits the use of all terraces would be welcomed. The Sub-Committee were advised that there were concerns that an additional licensed premises would be operating in the West End Cumulative Impact Zone and how the private event space would be used. Mr Brown advised that the Soho Society screen each application on its merits and reviews Licensing Policy when making

recommendations and that it was acknowledged that MC 66 had been accepted by the Applicant and operations were in core hours.

11. Mr Brown advised that the non-ancillary activities proposed by the Applicant would change the Policy approach. He advised that Zebrano's website advertised all different types of events which included Karaoke nights, club nights and DJs and noted that these would not take place at the Premises. He reminded the Sub-Committee that the Applicant had another Premises in the building and this space could be used for non-ancillary activities. Mr Brown recommended that events should be limited to 26 days per annum.
12. Marina Tempia, for the Soho Society advised the Sub-Committee that there were continual works being undertaken to ensure that crime and disorder is reduced in Greek Street and the area remains safe for all persons. Ms Tempia advised that patrons that leave establishments whilst intoxicated were prone to be victims of crime. She advised that after 00:00 hours Greek Street characteristics changed and there could be up to 3000 individuals in the locality and was a 'hot spot' for street robberies. Ms Tempia advised that organised gangs such as 'pick pocketers' travelled specifically into the vicinity and that prohibited substances were also supplied in the locality. There is also a high Police presence due to street crime. The Sub-Committee were informed that many queues are formed in the vicinity for establishments located on the Street.
13. In response to questions from the Sub-Committee, Ms Tempia acknowledged that the Metropolitan Police Service had withdrawn their representation and commented that crime in Greek Street was increasing and had the highest record for street robberies in the Soho district.
14. In his summing up, Mr Brown advised that a Condition which prohibits customers accessing any of the Premises Terraces which are connected to the building should be included. Mr Brown advised that the Premises operating under MC66 was welcomed and stressed that private event should be limited. Mr Brown stated that patrons should also be prohibited from taking drinks with them when temporary leaving the Premises.
15. In his summing up, Mr McCann advised that the Condition which prohibited customers accessing terraces would be accepted. He stated that the Metropolitan Police Service was an independent body and was aware of the crime statistics. The Sub-Committee were reminded that the Police had withdrawn their representations and the Conditions which they had proposed had been accepted by the Applicant. Mr McCann stated that the hours sought were within core hours and acknowledged that the characteristics of Greek Street altered during the later hours of the evening.
16. Mr McCann informed the Sub-Committee that the current permitted use of TENS was to end in the following year and that Premises would only be allowed 21 days or 15 TENS. He stated that an event each week was suitable and ensure that space will not viewed as a 'rentable space' but a restaurant. He advised that corporate events would need to be licensable as alcohol would be supplied and

contributed to sales. The Sub-Committee were advised that 52 Corporate events a year was preferred. In response to questions from the Sub-Committee Mr McCann advised that if 52 events were permitted each year the Applicant did not intend to submit TENs, and this was due to their cost and lengthy application process.

17. The Policy Officer advised that the Sub-Committee would be required to take into consideration MC66 and commented that applications would be generally granted if the Applicant has demonstrated that they will not add to the cumulative impact. In response to the Policy Officer, Mr McCann advised that pre-application advice had been taken from the Metropolitan Police Service and Environmental Health Service. He advised that discussions were held with both Responsible Authorities regarding appropriate conditions which should be adopted to promote all four Licensing objectives and not add to the cumulative impact. Mr McCann commented that the Applicant was a good operator.

Conclusion

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

The Sub-Committee placed weight on the fact that conditions had been agreed with all responsible authorities, noting that the Police representation had been withdrawn.

In light of the consultation with responsible authorities leading to agreed conditions, the Sub-Committee considered that the Premises Licence would promote the licensing objectives.

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

1. To grant permission for **Late Night Refreshment (Indoors)** Friday to Saturday 23:00 to 23:30 hours.

Seasonal Variations: Sundays immediately prior to a bank holiday 23:00 to 23:30 hours.

2. To grant permission for the **Sale by Retail of Alcohol (On Sales)** Monday to Thursday 09:00 to 23:00 hours Friday to Saturday 09:00 to 23:30 hours Sunday 09:00 to 22:00 hours.

Seasonal Variations: Sundays immediately prior to a bank holiday 09:00 to 23:30 hours.

3. To grant permission for the **Opening Hours for the Premises** Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours

Sunday 09:00 to 22:30 hours.

Seasonal Variations: Sundays immediately prior to a bank holiday 09:00 to 00:00 hours.

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

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
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 are 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. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. 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.
13. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
14. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

16. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall be limited to 5 persons at any one time.
17. 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.
18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. 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.
21. The number of persons permitted in the Events Space at any one-time (excluding staff) shall not exceed 40 persons.
22. 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.
23. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises are open.
24. 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.
25. Unless operating as a restaurant (see condition 28) below, licensable activities at events in the Events Space shall only be provided at prebooked ticketed events.

26. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers or drinks with them.
27. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
28. Save for in the Events Space when it is being used for pre-booked events, the premises shall only operate as a restaurant,
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

29. The number of events in the Events Space shall be 52 events per annum and limited to no more than 1 event per week.
30. No licensable activities shall take place at the premises until the premises have 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.
31. The Premises Licence Holder will ensure a full risk assessment is completed for all pre-booked events in the event space. This risk assessment will be available to the Licensing Authority and Police upon request.
32. Save for those involving networking or corporate training, the premises shall not use any external promoters for its events.
33. Supply of alcohol during an event shall be by waiter/waitress service and to persons seated (save for at networking events where guests need to mingle).
34. 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.

35. The overall number of persons accommodated at the premises (excluding staff) shall not exceed 70 (unless a lower figure is determined by Environmental Health on clearance of works condition).
36. There shall be no use of any terraces by customers connected to the building in which the premises are located.

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

**The Licensing Sub-Committee
13 October 2022**

The Meeting ended at 1.35 pm

CHAIRMAN: _____

DATE _____