



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 19 January 2023**

Time: **10.00 am**

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

Members: **Councillors:**
Robert Eagleton (Chair)
Iman Less
Caroline Sargent

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk **Tel:** 07790980186
Corporate Website: www.westminster.gov.uk

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. NO SALT, 58 - 58A OLD COMPTON STREET, W1D 4UF

(Pages 1 - 46)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * **	58-58a Old Compton Street W1D 4UF	New Premises Licence	22/10990/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

2. TEQUILA MOCKINGBIRD, 3-5 BURLEIGH STREET, WC2E 7PX

(Pages 47 - 82)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St Jame s's * **	3-5 Burleigh Street WC2E 7PX	New Premises Licence	22/09983/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

3. 39 DRURY LANE, WC2B 5RR

**(Pages 83 -
116)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St Jame s's * **	39 Drury Lane WC2B 5RR	New Premises Licence	22/10585/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love
Chief Executive
13 January 2023**

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

Policy Considerations

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

Guidance Considerations

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

Core hours When Customers Are Permitted to Be on The Premises

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

Note: The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

1. Casinos

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 09:00 hours to 24:00 hours

3. Hotels

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

4. Off licences

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

5. Outdoor Spaces

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

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

Monday to Thursday: 10:00 hours to 23:30 hours

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 12:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

7. Qualifying Clubs

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

8. Restaurants

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	19 January 2023
Licensing Ref No:	22/10990/LIPN - New Premises Licence
Title of Report:	No Salt 58 - 58A Old Compton Street London W1D 4UF
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	14 November 2022		
Applicant:	Pierre Compton L'eto Ltd.		
Premises:	No Salt		
Premises address:	58 - 58A Old Compton Street London W1D 4UF	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	According to the application form, the applicant proposes to operate the premises as a café.		
Premises licence history:	<p>This is a new premises licence application and therefore no premises licence history exists.</p> <p>The premises had the benefit of Temporary Event Notices, and the history can be found at Appendix 3.</p>		
Applicant submissions:	<p>The applicant has proposed a number of conditions and agreed to amend conditions with the Police to form part of their operating schedule.</p> <p>These can be found at Appendix 4 of the Report.</p>		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	30 November 2022

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

The applicant has submitted plans of the licensing ground floor, drawing no A100P, dated 14/6/2022 showing the proposed licensing area.

The following licensable activity is being sought:

1. Supply of Alcohol 'On' the premises between 10:00 to 23:00 hours Monday to Saturday and 12:00 to 23:00 hours Sunday

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

1. The Supply of Alcohol 'On' the premises and for the hours requested may impact on Public Safety and lead to an increase in Public Nuisance in the West End CIZ.

Environmental Health also makes the following further comments:

- Westminster's Statement of Licensing Policy – see on the Council's website – requires licensed premises demonstrating compliance with policy CH1, Protection of Children from Harm, (see page 36 of policy).
- An extensive list of conditions have been offered but these appear to be insufficient to be consistent with the Statement of Licensing Policy eg the 'restaurant' condition for the CIZ has not been offered
- The provision of sanitary accommodation must be at least in line with BS6465 for the proposed capacity particularly as the premises are located in the CIZ. Also separate provision for food handling staff is advised.
- An assessment will need to be made as to how the plant and machinery employed for the cooking of food will not result in odour or noise nuisance
- It is unclear if the premises have already been refurbished for the proposed use. Clarification is therefore sought as to the previous use of the premises to determine if this proposed use will result in nuisance from the internal transfer of noise to other users within the building block. Standards to be achieved are outlined in Appendix 11 of the Statement of Licensing Policy

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

Responsible Authority:	Metropolitan Police Service
Representative:	PC Tom Stewart
Received:	6 December 2022

As discussed at the site visit last week, your proposed premises is located within Westminster's West End Cumulative Impact area, and as such you are required to demonstrate how your premises will not add to cumulative impact or undermine the licensing objectives. Whilst you have submitted several conditions relating to the promotion of the licensing objectives, I do not believe that these are sufficient to mitigate and addition to cumulative impact. Due to this, the **MPS objects to the granting of this premises licence under the "prevention of crime and disorder" licensing objective.**

I have proposed some amendments to your conditions below:

~~3. Save for customers seated in the designated bar area hatched black on the licence plans, the supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal. For the purpose of this condition '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.~~

Above condition to be replaced by:

MC66 The premises shall only operate as a restaurant,

- (i) in which customers are shown to their table or the customer will select a table themselves,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
- (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
- (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

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

~~5. In the designated bar area hatched black on the licence plans, alcohol may only be sold to persons seated and served by waiter/waitress service. – to be removed~~

Please could you let me know via reply If you are happy to make the above amendments. I

have copied in the case officer and EHO officer for their information.

Amended conditions have been agreed between the applicant and the Metropolitan Police. These conditions can be found at Appendix 4.

Responsible Authority:	Licensing Authority
Representative:	Kevin Jackaman
Received:	9 December 2022

I write in relation to the application submitted for a new premises licence for 58 - 58A Old Compton Street, London, W1D 4UF.

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

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

Supply of alcohol – on the premises (basement)

Monday to Saturday 10:00 to 23:00

Sunday 12:00 to 23:00

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

Hours premises are open to the public

Monday to Sunday 08:00 to 23:00

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

The premises are located within the West End Cumulative Impact Zone and it is intended that the premises will trade as "a cafe" and it is noted that the applicant has proposed the following conditions in respect of the operation of the premises:-

- Save for customers seated in the designated bar area hatched black on the licence plans, the supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

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

- Notwithstanding the condition above, alcohol may be supplied to and consumed by customers waiting to be seated prior to their meal and/or after their meal.
- In the designated bar area hatched black on the licence plans, alcohol may only be sold to persons seated and served by waiter/waitress service.

The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1 and RNT1.

Policy RNT1 (B) states

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

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

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

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

The applicant is encouraged to agree the addition of the Council's model restaurant condition MC66 which states:

"The premises shall only operate as a restaurant,

- (i) in which customers are shown to their table or the customer will select a table themselves,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
- (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
- (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

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

Policy CIP1 states:

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.

The Licensing Authority have concerns in respect of the potential bar element proposed and would seek clarification from the applicant as to how this will operate and the number of persons that may be accommodated in the bar area.

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

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

Please accept this as a formal representation.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	11 December 2022

We write to make a relevant representation to the above application on behalf of The Soho Society.

About The Soho Society

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

Application summary

New Premises Licence

Café with internal seating

Supply of alcohol (on and off) : Mon - Sat: 10.00 - 23.00. Sun: 12:00 - 23:00.

Opening hours: Mon - Sun: 08.00 - 23.00.

Capacity : from the plans 78

The Soho Society's Position

The Soho Society objects in full to this application for a brand new alcohol licence with a capacity of 78 in a previously unlicensed retail shop, on the grounds that the granting of any new licences in Soho will impact on the prevention of public nuisance, the prevention of crime and disorder, public safety and cumulative impact in the West End Cumulative Impact Area.

Soho is losing retail shops to new food and beverage premises on a regular basis, this is another loss of a retail shop. Retail premises are a huge loss to the residential community and also to visitors who visit the area for the diversity of offer in its range and mix of premises types.

As the committee are aware, Soho has the highest concentration of licensed premises in Westminster, **476** with a large proportion (25%) being late night licences. There are over 200 restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and entertainment premises. The area is densely populated at night with people drinking on the street, creating loud levels of

noise, causing disturbance and anti-social behaviour, the area has the highest level of crime and disorder in Westminster.

There are a number of concerns with this application, it states it's a café but the applicant has not provided any information / description of the type of food that will be on offer, it proposes a bar and external tables and chairs, it is contrary to the Pubs and Bars Policy and the Core Hours Policy HRS1.

The application form simply states these premises to be a café with internal seating, however, the applicant has failed to disclose the proposal for external tables and chairs and a bar, the details of which only appear in the application summary under proposed conditions. Conditions numbered 3, 4 and 5 identify the bar.

Condition 3: *'Save for customers seated in the designated bar area hatched black on the licensing plans, the supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person ancillary to their meal.'*

Condition 4: *'Notwithstanding condition (3) alcohol may be supplied to and consumed by customers waiting to be seated prior to their meal and /or after their meal.'*

Condition 5: *'In the designated bar area hatched black on the licence plans, alcohol may only be sold to persons seated and served by waiter/waitress service.'*

The plans show a large bar and cocktail station, the number of tables and chairs in the designated bar area hatched black is not very clear, we assume it's identified by the hatched seating which totals 16 seats, we ask the applicant to confirm the number. We object to this bar use and condition 4 which proposes a holding bar and where patrons can continue to consume alcohol after the consumption of food, all of which raises concerns regarding the true nature of this operation, is this a café?

Condition 14 identifies the use of external tables and chairs, again the number is not defined or illustrated on the plans. We strongly object to this proposal, it is unclear if this proposal also includes a designated bar area. This section of Old Compton Street has limited pavement width and we doubt there's a two metre gap from these premises to the pavement. This street already struggles to accommodate large numbers of people on the pavement and the introduction of another set of tables and chairs restricting and blocking the pavement further causes real concern for public safety with pedestrians, wheelchair users and those with prams being forced into the road. External seating also produces additional noise and provides the opportunity for crime, we therefore strongly object as the application will fail to promote the licensing objectives.

The applicant has failed to explicitly describe the full operational nature of these premises, this places residents at a huge disadvantage when reviewing an application, potentially deciding not to submit a representation but may have a different view if aware of the proposed bar and external tables and chairs. We find this a significant omission on the part of the applicant.

Cumulative Impact Policy CIP1 The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and wellbeing of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area.

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, it describes the high level of cumulative impact in the West End Zone between 2017-2019, the subsequent Statement of Licensing Policy 2021 Cumulative Impact Policy CIP1 states,

*'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and **drink led premises (our emphasis)** and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone arises from the number of people there late at night; a considerable number of them being intoxicated. Public services, including police, health and emergency, transport,*

environmental services (cleansing and refuse services) are placed under chronic strain by existing levels of activity, as are civic amenities and the quality of residential life. The urban infrastructure cannot sustain any further growth in licensed premises that provide a significant risk of a variety of harmful outcomes. Over a period of three years (2017 - 2019) 45% of violent crimes, as well as over half of all robberies, thefts and drug offences in the city were recorded within West End Cumulative Impact Zone. Additionally, 43% of ambulance callouts between that same period to the locations of licensed premises feel within this zone.' (D4)

D5 states, *'The retention of people late at night contributes to the cumulative impact.'*

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but it may in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, our observation is Soho attracts more people now than at pre-COVID times. The recent crimes statistics supports this view they show an increase in serious crime (see the Prevention of Crime and Disorder below).

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). Residential accommodation is also an important factor,

D23. *'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance. It goes on, 'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'*

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

The applicant needs to demonstrate an exception to policy, the applicant has failed to do so.

Prevention of Public Nuisance - PN1

Residents living opposite these premises already suffer from high levels of noise and disturbance during the evening and late into the night, this presents in the form of noise nuisance from the huge numbers of intoxicated people out on the streets who are extremely loud and noisy.

This new application is a real concern when considering the large number of licensed F&B premises already on this street and the streets which surround it; Old Compton Street has 31 such premises, Greek Street 28, Frith Street 23 and Dean Street 29. A total of 111 with a capacity of over 10,072.

The area is saturated with licensed premises, a new F&B premises which includes a bar and external seating will have a negative impact on residential amenity. If this application is successful it will increase and add to the existing level of noise nuisance and disturbance to residents living on this street.

A recent sleep survey conducted by the Soho Soho Society confirms that residents are disturbed by noise at night and is having a negative impact. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

When asked about disturbed sleep; 24% of respondents have their sleep disturbed 7 nights a week, 16% 5 or 6 nights a week and 19% 3 or 4 nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

The full survey can be found in **Appendix 1.**

The Prevention of Crime and Disorder

The prevention of crime and order is a and critically important in Soho and West end as it has

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

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

Total incident type 2017-2019:

- Drug Offences Night: **1529** (proportion of Borough's incidents **40%**)
- Robberies Night: **2237 (33%)**
- Theft and Handling Night: **24,407 (33%)**
- Serious violent crimes Night: **795 (31%)**
- Ambulance call outs to locations of licensed premises: **5353 (22%)**
- Noise Complaints Night: **1389 (16%)**
- Anti-Social behaviour MPS: **9662 (16%)**
- Anti-Social behaviour on transport Night: **592 (13%)**
- Reactive Waste Management: **6630 (10%)**

Total = 52,594

- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are dis-proportionally concentrated.

- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.

- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.

- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.

- **Theft and Handling:** the most common crime type in the borough and in the evening and night this is particularly concentrated in the West End and along Oxford Street. These premises are situated in the heart of the food and beverage / entertainment area, the area is a known hotspot for crime and disorder, the current statistics for the *top crime streets in Soho shows a total of 1,827 crimes, second on this list is Old Compton Street with 231 crimes.

Top Streets all crime – 1st Nov 21 – 28th Feb 22

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

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

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

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

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

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

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

* Data provided by the Metropolitan Police Soho Neighbourhood Ward Panel, March 2022, to support this information in **Appendix 2** we present detailed crime figures submitted by the Westminster Police Licensing Team at a licensing hearing in July 2022.

For residents living in this area the findings of the Cumulative Impact Assessment and the recent crime figures are unsurprising. Soho transforms in the evening and night time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above, criminal activity associated with the large number of venues and the numbers of people on the streets at night results in high levels of serious crime.

The proposal for external tables and tables will result in a increase in crime, it is known that pickpocketing gangs enter Soho in the evening and target people on a night out. Patrons who are seated outside premises are at high risk from the theft of mobile phones and bags.

It is also well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target patrons as they leave premises. The evidence provided by the Metropolitan Police clearly highlights the increasing levels of crime in the area, with Old Compton Street having the second highest reported crimes in Soho. Patrons leaving these premises at night will be at high risk of becoming victims of crime.

In summary

The application proposes a new cafe including a bar, and external seating in the West End Cumulative Impact Zone. Granting any new licences in this area will have a negative impact on the licensing objectives.

Yours faithfully,

Licensing Committee

The Soho Society

Appendix 1: Soho Society Sleep Survey Results

Appendix 2: Westminster Police Licensing Team Crime Report July 2022

Appendix 1 : Soho Society Sleep Survey Results

Soho Society Sleep Survey Results - 31 October 2022

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years
26% between 3 and 10 years
6% between 1 and 3 years and
9% have lived here less than a year

42% own their homes
20% are Soho Housing Association and the rest tenants with other landlords
10 respondents have children living at home with them

58% have double glazing
37% single glazing
5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week
16% of respondents have their sleep disturbed 5 or 6 nights a week
19% of respondents have their sleep disturbed 3 or 4 nights a week
19% of respondents have their sleep disturbed once or twice a week
20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life
46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho
60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.
67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines
64% of respondents agreed that our ward councillors should make this their priority during the next four years
69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse
73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences
72% of respondents agreed that the council should install electronic noise monitoring in Soho
56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.
62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho
68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-
I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it was-n't me going soft, it was the significant degradation of the environment around me. Since I moved out of my flat, several other tenants have moved in & swiftly out again citing sleep dis-ruption & excessive night noise as their reason for leaving. The flat is now used as an office ra-ther than as residential. I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftes-bury when the residents already have an enormous amount of noise from the existing restau-rants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.
As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held

noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making. Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

I live in Marshall St and overlook it. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor. Businesses take no responsibility for their customers drinking/eating and mainly shouting out-side, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement. I've lived in Soho for 60 years... Born and bred.. It's never been this noisy! Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks, some with noisy refrigeration units are also delivering early hours. Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

Appendix 2 : Westminster Police Licensing Team Crime Report July 2022

This police report was submitted by the Westminster Police Licensing Team based at City Hall in response to a licensing application. All identifiable information has been removed, we present below the detailed evidence of an increase in crime which supports the figures we present above under the prevention of crime and disorder.

Crime figures within the West End

The number of crimes committed within the West End have increased sharply following the removal of Coronavirus regulations. Levels of crime are now back to pre-Covid levels, and in some cases (Assaults, Sexual Assaults) are higher than pre-Covid levels.

Below are the West End crime figures for the month of June 2022, compared to May 2022 and June 2021:

Total Notifiable Offences



For June there were 3,522 offences, this is an increase of 77.25% compared to last year's 1,987 offences and an increase of 0.20% compared to May's 3,515 offences. Over previous rolling 12 months there were 38,396 offences, this is an increase of 122.25% compared to last year's 17,276 offences.

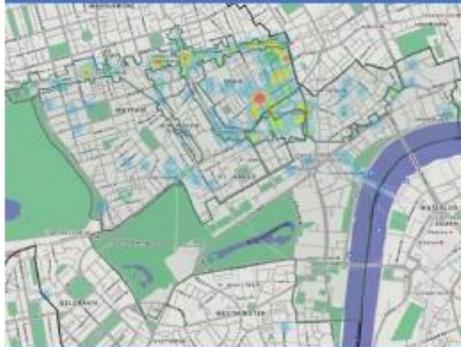
Peak Day & Times

Saturday (652) between 0000-0300hrs / 1600-0000hrs
 Thursday (639) between 1600-0000hrs

Offence	Count
Theft and Handling - Other Theft	1097
Theft and Handling - Other Theft Person	1072
Theft and Handling - Theft From Shops	175
Robbery - Personal Property	163
Drugs - Possession Of Drugs	151



Robbery

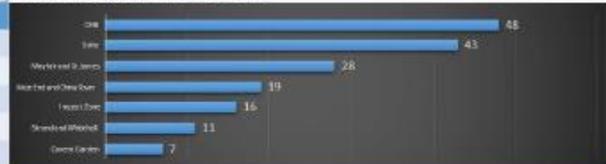


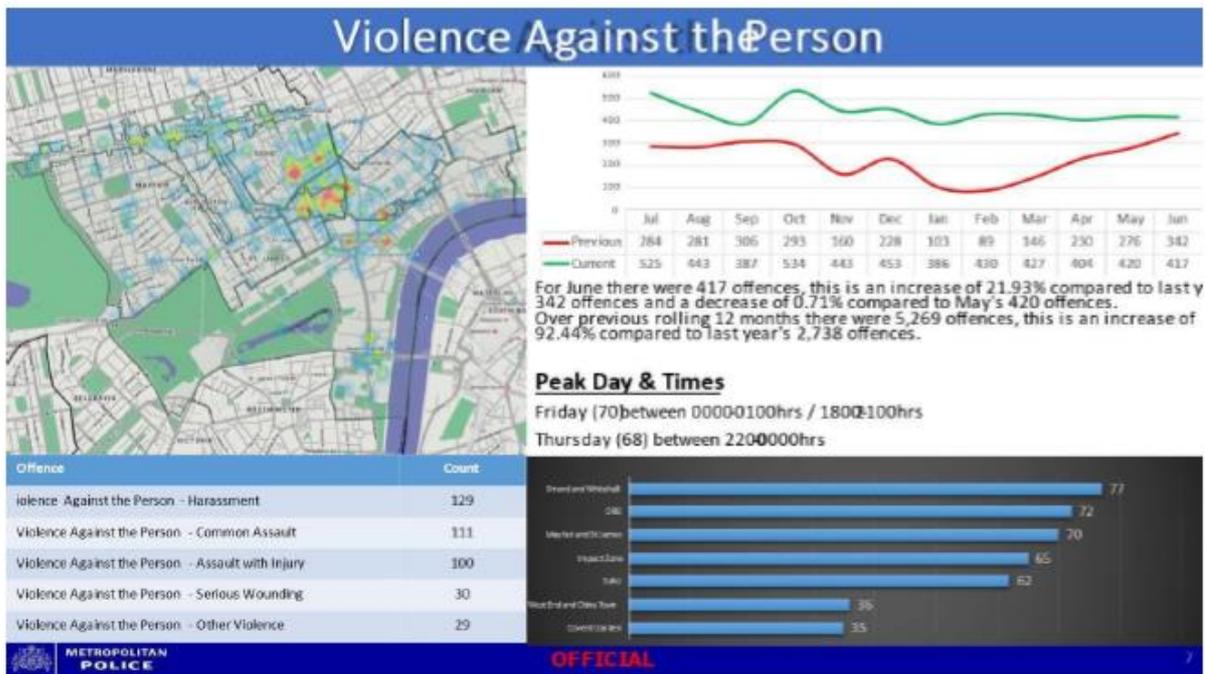
For June there were 172 offences, this is an increase of 59.26% compared to last year's 108 offences and an increase of 8.86% compared to May's 158 offences. Over previous rolling 12 months there were 1,867 offences, this is an increase of 117.35% compared to last year's 859 offences.

Peak Day & Times

Thursday (38) between 0100-0400hrs / 2100-0000hrs
 Saturday (29) between 0100-0500hrs

Offence	Count
Robbery - Personal Property	163
Robbery - Business Property	9





The above figures demonstrates that crime in the West End is rising. This impacts directly on Police resources, as well as other emergency services.

Westminster Police Licensing Team

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	9 December 2022

I am writing with regards to the New Premises Licence Application for "No Salt" at 58-58A Old Compton St and would like to have it put on record that I most strongly object to this application for a new premises licence.

I would like to strongly request that the licensing committee please do not grant another new premises licence at this end of Old Compton St which is predominantly residential with a number of residential premises directly opposite 58-58A Old Compton St. There is the block of [REDACTED] and then another block of flats further along heading West on Old Compton St. And a lot of residential flats above shops all along this end of Old Compton St between Dean St and Wardour St.

We are already at saturation point with licensed premises with two large popular pubs and recently yet another new licence being granted to Maoz. We really do not need another licenced premises at this end of Old Compton St and specifically not a licence for another bar. Another licensed premises will not in any way enhance or serve the local established residential community.

In addition I strongly oppose outside seating being permitted as the pavement on that side of Old Compton St is extremely narrow and it would cause an obstruction to people with baby strollers or young children and to people in wheelchairs or people with mobility issues and outside seating would just generally cause an obstruction. There is quite simply not sufficient pavement space to accommodate outside seating.

Please I implore you not to grant a new licence to these premises at 58-58A Old Compton St. These premises have at one time previously been a clothing store or retail space (an artisanal bread shop would be nice!) which would be far more suitable and welcome addition to the immediate community but to bring yet another licensed venue serving alcohol would be absolutely unbearable as we are at saturation point already. I strongly oppose Westminster granting a licence for these premises at 58 - 58A Old Compton St.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

<p>Policy CIP1 applies</p>	<p>A. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<p>Policy HRS1 applies</p>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 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. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

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

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

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

	E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.
Policy RNT1 applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 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 latenight 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. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 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.

4. Equality Implications

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

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

(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

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

5. Appendices

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

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: kabbott@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	30 November 2022
5	Metropolitan Police Service	6 December 2022
6	Licensing Authority	9 December 2022
7	Representation 1	11 December 2022
8	Representation 2	9 December 2022

Applicant response to Responsible Authorities

From: Sasha Debenko <sasha@letocaffe.co.uk>
Sent: 27 December 2022 16:03
To: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>
Cc: Stewart, Tom: WCC <tstewart1@westminster.gov.uk>; Drayan, Anil: WCC <adrayan@westminster.gov.uk>; Jackaman, Kevin: WCC <kjackaman@westminster.gov.uk>
Subject: Re: 22/10990/LIPN-58 - 58A Old Compton Street, London, W1D 4UF -/PART 1/

Dear Jessica,

Thank you very much for your email.

We are happy to provide additional comments. Please see the part 1 below

1. Police Representation

After having a meeting with the Metropolitan Police representative mr. Tom Stewart, we fully agree with the suggested application amendments and happy to proceed with it.

2. Environmental Health officer Representation

I think that the attachment with Mr. Anyl Drayan representation is referring to the originally made one before the meeting was held at the premises – 58 Old Compton Street, London (reference to the incorrect link that is not taking to the “Protection of Children from Harm” act and does not have page num. 36).

All details were discussed with Mr. Anyl Dryan and suggestions were accepted by us (the applicanbt). Will be great, if you can advise whether it is necessary to forward e-mail communication between the applicant and Mr. Anyl Dryan.

3. Licensing Authority

Please see our comments below in red.

Dear Aliaksandr

I write in relation to the application submitted for a new premises licence for 58 - 58A Old

Compton Street, London, W1D 4UF.

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

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

Supply of alcohol - on the premises (basement)

Monday to Saturday 10:00 to 23:00

Sunday 12:00 to 23:00

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

Hours premises are open to the public

Monday to Sunday 08:00 to 23:00

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

The premises are located within the West End Cumulative Impact Zone and it is intended that the premises will trade as "a cafe" and it is noted that the applicant has proposed the following conditions in respect of the operation of the premises:-

- * Save for customers seated in the designated bar area hatched black on the licence plans, the supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

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

* Notwithstanding the condition above, alcohol may be supplied to and consumed by customers waiting to be seated prior to their meal and/or after their meal.

* In the designated bar area hatched black on the licence plans, alcohol may only be sold to persons seated and served by waiter/waitress service.

The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1 and RNT1.

Policy RNT1 (B) states

1. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:
2. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
3. The hours for licensable activities are within the council's Core Hours Policy HRS1.
4. 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.
5. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
6. The application and operation of the venue meeting the definition of a restaurant as per Clause C.
7. For the purposes of this policy a restaurant is defined as:
8. 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.
9. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
10. 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.
11. 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.
12. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

The applicant is encouraged to agree the addition of the Council's model restaurant condition MC66 which states:

"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.

All the above is fully agreed and happy to proceed with all previously made suggestions.

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

We are happy to re-have a look at this condition if it required not to

Policy CIP1 states:

1. 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.
3. 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.
4. 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.

The Licensing Authority have concerns in respect of the potential bar element proposed and would seek clarification from the applicant as to how this will operate and the number of persons that may be accommodated in the bar area - the area on the plan marked as the "Bar" was never meant to be an actual bar accommodating guests. It was a mistake in the application that we explained to the Police representative. The "Bar" area in this concept is used purely as drinks preparation area and the area where the drinks can be collected by waiter from ONLY. It was no intention or plans to add any bar stools/chairs in the bar area.

The Licensing Authority requires the applicant to provide submissions as to how the operation of

the premises will not add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1.

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

First of all, we would like to thank you for raising these questions:

As a business that operates in the Soho area since 2011, we fully understand the importance of taking care of local residents and council requirements. We are well-known as people who will do our best to make sure that all parties are happy and able to comply with regulations and requirements. Personally, being in this business for 12 years, I am always up to doing the extra mile to make sure that everything is in place and as per regulation.

When the original application was made, we followed a few important points:

1. To prevent public nuisance and crime
 - The application was made for the operation withing the core hours only knowing that many businesses on Old Compton Street are having late night operation hours granted
 - The application was made for the Indoor alcohol consumption only (not take away)
 - Only background music to be playing in the premises
1. To minimize resident's disturbance there was NO application made for the outdoor tables and chairs that majority of places around 58 Old Compton Street have.
2. The overall capacity of the premises will be only as per submitted plan and no extra seating/stools/chairs/tables will be added. The Bar area to remain as Preparation area only with no seats added.
3. Fully understanding the area to avoid any additional impact to the Zone where the premises is, we always take into consideration our neighbours' comments.
 - No application for the outdoor table and chairs was made
 - As we have received comments regarding rubbish collections not always happening on time or having issues with collections. We have a waste management system in place and have an alternative ways and suggestions for avoiding all possible issues with the main rubbish collecting company
 - Majority deliveries will be coming from the company warehouse and managed internally. As a modern company with taking care about pollution, noise and environment we operate electric Vehicles (Vans). Using electric vehicles will bring neighbours disturbance to minimum at any part of the day
 - To avoid any neighbours disturbance all suppliers deliveries will be scheduled withing the core hours

On 21/12/2022 10:37 GMT Donovan, Jessica: WCC
<jdonovan@westminster.gov.uk> wrote:

Response to Interested Parties

From: Sasha Debenko <sasha@letocaffe.co.uk>

Sent: 27 December 2022 16:25

To: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>

Cc: Stewart, Tom: WCC <tstewart1@westminster.gov.uk>; Drayan, Anil: WCC <adrayan@westminster.gov.uk>; Jackaman, Kevin: WCC <kjackaman@westminster.gov.uk>

Subject: Re: 22/10990/LIPN-58 - 58A Old Compton Street, London, W1D 4UF /Part 2/

4.1 Interested Parties (Marina Tempia, Alison Henry Objections)

As a business that have a restaurant in the Soho area since 2011, we fully understand the importance of taking care of local residents and council requirements. We are well-known as people who will do our best to make sure that all parties are happy and able to comply with regulations and requirements. Personally, being in this business for 12 years, I am always up to doing the extra mile to make sure that everything is in place and as per regulation.

When the original application was made, we followed a few important points:

1. To prevent public nuisance and crime
 - The application was made for the operation within the core hours only knowing that many businesses on Old Compton Street are having late night operation hours granted.
 - Only background music to be playing in the premises making sure there is no disturbance to the residents
1. To minimize resident disturbance there was **NO application** made for the outdoor tables and chairs that the majority of places around 58 Old Compton Street have in place. We absolutely agree that it might be an obstruction to people in wheelchairs or people with mobility issues.
2. The premises will be having equipped with all necessary required facilities to be able to accommodate people with disabilities

Thank you!

Response to Soho Society

About The Soho Society

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

Application summary New Premises Licence Café with internal seating

Supply of alcohol (on and off) : Mon - Sat: 10.00 - 23.00. Sun: 12:00 - 23:00. **Opening hours:** Mon - Sun: 08.00 - 23.00.

Capacity : from the plans 78

The Soho Society's Position

The Soho Society objects in full to this application for a brand new alcohol licence with a capacity of 78 in a previously unlicensed retail shop, on the grounds that the granting of any new licences in Soho will impact on the prevention of public nuisance, the prevention of crime and disorder, public safety and cumulative impact in the West End Cumulative Impact Area – **We are in the business since 2011 with the first restaurant opened in Soho area. We fully understand the area and always do our best to make sure that all regulation is followed making sure that the only good image is brought to the area and the neighbourhood.**

Soho is losing retail shops to new food and beverage premises on a regular basis, this is another loss of a retail shop. Retail premises are a huge loss to the residential community and also to visitors who visit the area for the diversity of offer in its range and mix of premises types – **unfortunately after COVID and considering the current costs inflation many businesses are unable to cope with the current situation. We are 100% sure that our concept with the wide range of retail items that can bring a fresh and nice look to the area and the street especially. Majority of items that are sold in the premises will be produced by ourselves in our production kitchen using only best quality and natural ingredients and qualified people.**

As the committee are aware, Soho has the highest concentration of licensed premises in Westminster, **476** with a large proportion (25%) being late night licences. There are over 200

restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and entertainment premises. The area is densely populated at night with people drinking on the street, creating loud levels of noise, causing disturbance and anti-social behaviour, the area has the highest level of crime and disorder in Westminster – understating the statement above, we have applied for the license ONLY for the Core Hours of operation. We fully understand the disturbance that late opening hours can give to the local residents. However, following all legal requirements and regulations, keeping business under very strict control, in our opinion, can add a lot of good vibes and positivity to the area.

Registered Charity Number: 1146589 Company Number: 07899282

There are a number of concerns with this application, it states it's a café but the applicant has not provided any information / description of the type of food that will be on offer, it proposes a bar and external tables and chairs, it is contrary to the Pubs and Bars Policy and the Core Hours Policy HRS1.

The application form simply states these premises to be a café with internal seating, however, the applicant has failed to disclose the proposal for external tables and chairs and a bar, the details of which only appear in the application summary under proposed conditions. Conditions numbered 3, 4 and 5 identify the bar – from our side, we would like to highlight our respect to the locals and being sure that this small step will certainly help to increase public safety. We decided not to apply for the external tables and chairs. The application is not missing the plan due to its non-existence.

Condition 3: *'Save for customers seated in the designated bar area hatched black on the licensing plans, the supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person ancillary to their meal.'* – as it was described in the previous objections comments, it was a mistake in the application. No seats/bar stool/possibility of having drinks or a meal will be added to the bar. The area marked as a "Bar" on the drawings, will be used **ONLY** as a preparation area and the area where the drinks will be collected from.

Condition 4: *'Notwithstanding condition (3) alcohol may be supplied to and consumed by customers waiting to be seated prior to their meal and /or after their meal.'* – as it was described in the previous objections comments, we are happy to amend it if necessary

Condition 5: *'In the designated bar area hatched black on the licence plans, alcohol may only be sold to persons seated and served by waiter/waitress service.'*

The plans show a large bar and cocktail station, the number of tables and chairs in the designated bar area hatched black is not very clear, we assume it's identified by the hatched seating which totals 16 seats, we ask the applicant to confirm the number. We object to this bar use and condition 4 which proposes a holding bar and where patrons can continue to consume alcohol after the consumption of food, all of which raises concerns regarding the true nature of this operation, is this a café? – same as above, the area marked as a "Bar" on the drawings, will be used **ONLY** as a preparation area and the area where the drinks will be collected from.

Condition 14 identifies the use of external tables and chairs, again the number is not defined or illustrated on the plans. We strongly object to this proposal, it is unclear if this proposal also includes a designated bar area. This section of Old Compton Street has limited pavement width and we doubt there's a two metre gap from these premises to the pavement. This street already struggles to accommodate large numbers of people on the pavement and the introduction of another set of tables and chairs restricting and blocking the pavement further causes real concern for public safety with pedestrians, wheelchair users and those with prams being forced into the road. External seating also produces additional noise and provides the opportunity for crime, we therefore strongly object as the application will fail to promote the licensing objectives – the comment is no longer relevant as per description above.

The applicant has failed to explicitly describe the full operational nature of these premises, this places residents at a huge disadvantage when reviewing an application, potentially deciding not to submit a representation but may have a different view if aware of the proposed bar and external tables and chairs. We find this a significant omission on the part of the applicant – we strongly believe that any possible questions or comments brought to us can be fully described and necessary steps to be taken for the benefits of the area, neighbours and the street in general.

Cumulative Impact Policy CIP1

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

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, it describes the high level of cumulative impact in the West End Zone between 2017-2019, the subsequent Statement of Licensing Policy 2021 Cumulative Impact Policy CIP1 states,

*'The West End Cumulative Impact Zone has been identified because the cumulative effect of the concentration of late night and **drink led premises (our emphasis)** and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The extent of crime and disorder and public nuisance in the West End Cumulative Impact Zone arises from the number of people there late at night; a considerable number of them being intoxicated. Public services, including police, health and emergency, transport, environmental services (cleansing and refuse services) are placed under chronic strain by existing levels of activity, as are civic amenities and the quality of residential life. The urban infrastructure cannot sustain any further growth in licensed premises that provide a significant risk of a variety of harmful outcomes. Over a period of three years (2017 - 2019) 45% of violent crimes, as well as over half of all robberies, thefts and drug offences in the city were recorded within West End Cumulative Impact Zone. Additionally, 43% of ambulance callouts between that same period to the locations of licensed premises feel within this zone.'* (D4) D5 states, *'The retention of people late at night contributes to the cumulative impact.'*

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but it may in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, our observation is Soho attracts more people now than at pre-COVID times. The recent crimes statistics supports this view they show an increase in serious crime (see the Prevention of Crime and Disorder below).

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). Residential accommodation is also an important factor,

D23. *'The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance. It goes on, 'The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.'*

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

The applicant needs to demonstrate an exception to policy, the applicant has failed to do so.

Prevention of Public Nuisance - PN1

Residents living opposite these premises already suffer from high levels of noise and disturbance during the evening and late into the night, this presents in the form of noise nuisance from the huge numbers of intoxicated people out on the streets who are extremely loud and noisy.

This new application is a real concern when considering the large number of licensed F&B premises already on this street and the streets which surround it; Old Compton Street has 31 such premises, Greek Street 28, Frith Street 23 and Dean Street 29. A total of 111 with a capacity of over 10,072.

The area is saturated with licensed premises, a new F&B premises which includes a bar and

ex- ternal seating will have a negative impact on residential amenity. If this application is successful it will increase and add to the existing level of noise nuisance and disturbance to residents living on this street.

A recent sleep survey conducted by the Soho Soho Society confirms that residents are disturbed by noise at night and is having a negative impact. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

When asked about disturbed sleep; 24% of respondents have their sleep disturbed 7 nights a week, 16% 5 or 6 nights a week and 19% 3 or 4 nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

The full survey can be found in **Appendix 1.**

The Prevention of Crime and Disorder

The prevention of crime and order is a and critically important in Soho and West end as it has the highest level of crime in the borough. The Cumulative Impact Assessment 2020 presented overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, it highlighted the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average. It goes on to detail the number and types of crimes in the West End,

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

Total incident type 2017-2019:

• Drug Offences Night: **1529** (proportion of Borough's incidents **40%**) • Robberies Night: **2237** (**33%**)

• Theft and Handling Night: **24,407** (**33%**)

• Serious violent crimes Night: **795** (**31%**)

• Ambulance call outs to locations of licensed premises: **5353** (**22%**) • Noise Complaints Night: **1389** (**16%**)

• Anti-Social behaviour MPS: **9662** (**16%**)

• Anti-Social behaviour on transport Night: **592** (**13%**)

• Reactive Waste Management: **6630** (**10%**)

Total = 52,594

• **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.

• **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.

• **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.

• **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.

• **Theft and Handling:** the most common crime type in the borough and in the evening and night this is particularly concentrated in the West End and along Oxford Street.

These premises are situated in the heart of the food and beverage / entertainment area, the area is a known hotspot for crime and disorder, the current statistics for the *top crime streets in Soho shows a total of 1,827 crimes, second on this list is Old Compton Street with 231 crimes.

Top Streets all crime –1st Nov 21 – 28th Feb 22

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

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

Violence against the person serious wounding: 32 up 78% (18 pre - COVID) **Violence against the person assault with injury: 59 up 31%** (45 pre-COVID) **Violence against the person common assault: 70 up 18%** (59 pre-COVID) **Drugs possession: 115 up 79%** (64 pre-COVID)

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

* Data provided by the Metropolitan Police Soho Neighbourhood Ward Panel, March 2022, to support this information in **Appendix 2** we present detailed crime figures submitted by the Westminster Police Licensing Team at a licensing hearing in July 2022.

For residents living in this area the findings of the Cumulative Impact Assessment and the recent crime figures are unsurprising. Soho transforms in the evening and night time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above, criminal activity associated with the large number of venues and the numbers of people on the streets at night results in high levels of serious crime.

The proposal for external tables and tables will result in a increase in crime, it is known that pickpocketing gangs enter Soho in the evening and target people on a night out. Patrons who are seated outside premises are at high risk from the theft of mobile phones and bags.

It is also well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target patrons as they leave premises. The evidence provided by the Metropolitan Police clearly highlights the increasing levels of crime in the area, with Old Compton Street having the second highest reported crimes in Soho. Patrons leaving these premises at night will be at high risk of becoming victims of crime.

In summary

The application proposes a new cafe including a bar, and external seating in the West End Cumulative Impact Zone. Granting any new licences in this area will have a negative impact on the licensing objectives.

Yours faithfully,

Licensing Committee The Soho Society

Appendix 1: Soho Society Sleep Survey Results

Appendix 2: Westminster Police Licensing Team Crime Report July 2022

Appendix 1 : Soho Society Sleep Survey Results

Soho Society Sleep Survey Results - 31 October 2022

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years
 6% between 1 and 3 years and
 9% have lived here less than a year
 42% own their homes
 20% are Soho Housing Association and the rest tenants with other landlords 10 respondents have children living at home with them
 58% have double glazing
 37% single glazing
 5% have triple glazing
 24% of respondents have their sleep disturbed 7 nights a week
 16% of respondents have their sleep disturbed 5 or 6 nights a week 19% of respondents have their sleep disturbed 3 or 4 nights a week 19% of respondents have their sleep disturbed once or twice a week 20% do not have a problem with environmental noise pollution
 Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.
 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life
 46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho
 60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.
 67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines
 64% of respondents agreed that our ward councillors should make this their priority during the next four years
 69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse
 73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences
 72% of respondents agreed that the council should install electronic noise monitoring in Soho
 56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.
 62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho
 68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it was- n't me going soft, it was the significant degradation of the environment around me. Since I moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and

local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

I live in Marshall St and overlook it. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks, some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

Appendix 2 : Westminster Police Licensing Team Crime Report July 2022

This police report was submitted by the Westminster Police Licensing Team based at City Hall in response to a licensing application. All identifiable information has been removed, we present below the detailed evidence of an increase in crime which supports the figures we present above under the prevention of crime and disorder.

Crime figures within the West End



The number of crimes committed within the West End have increased sharply following the removal of Coronavirus regulations. Levels of crime are now back to pre-Covid levels, and in some cases (Assaults, Sexual Assaults) are higher than pre-Covid levels.

Below are the West End crime figures for the month of June 2022, compared to May 2022 and June 2021:

Total Notifiable Offences



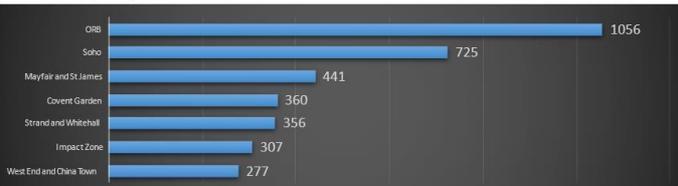
For June there were 3,522 offences, this is an increase of 77.25% compared to last year's 1,987 offences and an increase of 0.20% compared to May's 3,515 offences. Over previous rolling 12 months there were 38,396 offences, this is an increase of 122.25% compared to last year's 17,276 offences.

Peak Day & Times

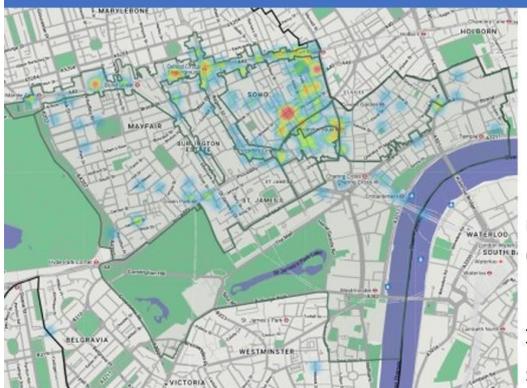
Saturday (652) between 0000-0300hrs / 1600-0000hrs

Thursday (639) between 1600-0000hrs

Offence	Count
Theft and Handling - Other Theft	1097
Theft and Handling - Other Theft Person	1072
Theft and Handling - Theft From Shops	175
Robbery - Personal Property	163
Drugs - Possession Of Drugs	151



Robbery



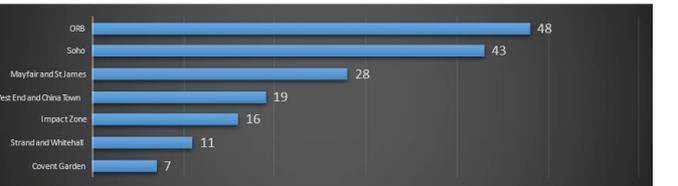
For June there were 172 offences, this is an increase of 59.26% compared to last year's 108 offences and an increase of 8.86% compared to May's 158 offences. Over previous rolling 12 months there were 1,867 offences, this is an increase of 117.35% compared to last year's 859 offences.

Peak Day & Times

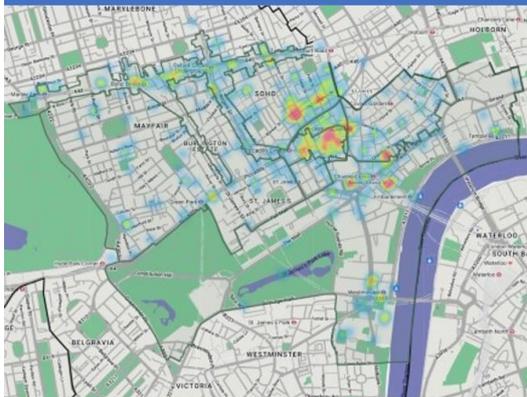
Thursday (38) between 0100-0400hrs / 2100-0000hrs

Saturday (29) between 0100-0500hrs

Offence	Count
Robbery - Personal Property	163
Robbery - Business Property	9



Violence Against the Person



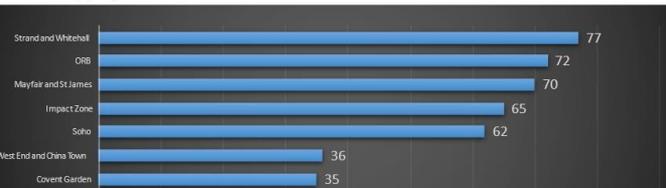
For June there were 417 offences, this is an increase of 21.93% compared to last year's 342 offences and a decrease of 0.71% compared to May's 420 offences. Over previous rolling 12 months there were 5,269 offences, this is an increase of 92.44% compared to last year's 2,738 offences.

Peak Day & Times

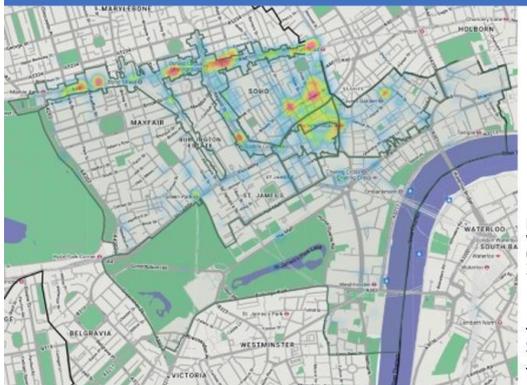
Friday (70) between 0000-0100hrs / 1800-100hrs

Thursday (68) between 2200-0000hrs

Offence	Count
Violence Against the Person - Harassment	129
Violence Against the Person - Common Assault	111
Violence Against the Person - Assault with Injury	100
Violence Against the Person - Serious Wounding	30
Violence Against the Person - Other Violence	29



Theft Person



For June there were 1,072 offences, this is an increase of 164.04% compared to last year's 406 offences and an increase of 0.56% compared to May's 1,066 offences. Over previous rolling 12 months there were 10,983 offences, this is an increase of 219.00% compared to last year's 3,443 offences.

Peak Day & Times

Saturday (220) between 0000-0300hrs / 1500-1900hrs

Thursday (194) between 1500-0000hrs



The above figures demonstrate that crime in the West End is rising. This impacts directly on Police resources, as well as other emergency services.

Westminster Police Licensing Team

We absolutely agree that the following sections **Cumulative Impact Policy CIP1, Prevention of Public Nuisance - PN1, The Prevention of Crime and Disorder** are extremely important and all necessary and possible steps must be taken by any business to make sure that only good image is given to the area/street and residents to be prioritised.

In the following comments, we would like to describe the way we take care about the residents in the areas we operate.

We absolutely agree that the late night operational hours are affecting the residents, taking it into consideration, we have applied for the core hours license only as previously described. /Residents

In our humble opinion, the residents must be taken care of by any business at all times. As we can see the major issues that residents are facing can be broken into a few categories: **Noise, Pollution and Crime.**

We would like to describe in details how we deal with each of the points.

/Noise

Being in the restaurant business since 2011 we learnt the importance to minimize the noise in all aspects. Reading the representation, we can see that the ways of noise disturbance are coming from the following points: late operational hours, deliveries, waste collections, music, alarm. We are well aware about all of them.

Late operational hours: As it was described, the application was made for the core operational hours Only.

Deliveries: As a part of the company policy, we require most of deliveries to be signed off and checked properly. Saying that, means that the majority of the supplier what we use, are delivering goods during the core operational hours.

Waste Collections:

As it was mentioned in the other representation comments, we use Westminster waste collectors only. However, operating many years, we have developed great waste management system and training system that help our team be fully aware of all local rules and requirements. Considering that one of the noise producing procedures during the waste collection is the noise coming from glassware dumping (empty glass bottles), we took an extra step in here as well. As an example, in this project, we will be selling house-filtered water what means that the glass bottles will be reusable and not wasted on daily basis.

One more important point that we would like to mention is that majority of our drink ingredients (such as syrups, etc.) are already coming in the plastic bottles (not the glass one). In our opinion, these steps will significantly reduce the noise produced by the wasted glassware.

Music: Only background lounge music to be playing in the premises.

Security Alarm: The security alarms that we use, is the one with no external block (internal block only). Saying this, means that the main sound will stay within the property. In our understanding the security alarm should give an indication mainly to us that something is happening outside of operational hours. Each alarm is connected to the a) external monitoring station b) internal monitoring department c) at least 3 additional management team members. What does it mean? It meant that if alarm goes off, immediately we have 3 points of control that will be connected to the issue within minutes.

The security alarm we use is fully remote controllable and can be silenced from the phone within second and with no need of an internal responsible person coming down to the premises to switch it off. In practice, 50% of the businesses having "Old Fashioned" types of alarm that can be muted by attending the premises. Only about a half of these 50% alarms are serviced on regular basis and fully operational. It means that it can be triggered off at any time and cause disturbance to the residents. In our case it is a brand new, latest models only that are fully functional and properly serviced.

We also would like to add a comment from one of our residents in Westminster, received right before this Christmas. Please see below:

"Dear Alex,

I wish you a Merry Christmas and Happy New Year!

Me and my wife would like to say a massive Thank you to your team and you personally. We are leaving here 1996 and had different retail shops and food operator in the premises where you are now. But never received such a treatment and attention to the residents.

We understand how frustrating can be to deal with our requests but we highly appreciate your attention to each our request.

Once again thank you so much and wishing you a Merry Christmas!"

/Pollution

As the modern company, we operate electric Mercedes Sprinter Vans for the internal deliveries from our production.

/Crime

That's something we absolutely agree and developed the way to keep as much control as possible.

The premises will be fully equipped with the latest models of CCTV remote controllable cameras where all data is saved for a month as per regulation.

All management team is fully trained how to deal with difficult situations.

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule

9. CCTV Condition:
- (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

Condition 11 amended by the police and agreed by the applicant to form part of the operating schedule.

11. The premises shall only operate as a restaurant,
- (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

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

12. Notwithstanding condition (11) above, alcohol may be supplied to and consumed by customers waiting to be seated prior to their meal and/or after their meal.
13. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
14. 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.

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, searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
17. 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.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. 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.
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. Save for customers seated in an external area, off-sales of alcohol shall be in sealed containers only.
22. There shall be no sales of alcohol for consumption off the premises after 23:00.
23. All outside tables and chairs shall be rendered unusable by 23:00 each day.
24. 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.
25. 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.

Conditions proposed by the Environmental Health

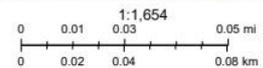
None

58 - 58A Old Compton Street, London



05/01/2023, 15:19:03

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



Resident Count = 156

Licensed premises within 75 metres of 58 – 58A Old Compton Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/01788/LIPDPS	Tuk Tuk	Basement And Ground Floor 56 Old Compton Street London W1D 4UE	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/06360/LIPT	Balans Restaurant	Ground Floor 60 - 62 Old Compton Street London W1D 4UG	Restaurant	Monday; 09:00 - 03:30 Tuesday to Sunday; 09:00 - 05:00
20/11368/LIPCH	Admiral Duncan Public House	54 Old Compton Street London W1D 4UD	Not Recorded	Monday to Thursday; 10:00 – 23:00 Friday to Saturday; 10:00 – 00:00 Sunday; 12:00 to 22:30
22/09919/LIPCHT	Clean Kitchen	64 Old Compton Street London W1D 4TL	Cafe	Friday; 07:30 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 23:00 Monday to Thursday; 07:30 -

				23:30
19/04930/LIPN	Runway East	66 Old Compton Street London W1D 4UH	Office	Monday; 09:00 - 23:30 Tuesday; 09:00 - 23:30 Wednesday; 09:00 - 23:30 Thursday; 09:00 - 23:30 Friday; 09:00 - 23:30 Saturday; 09:00 - 23:30 Sunday; 09:00 - 23:30
21/12348/LIPDPS	Tonkotsu	Basement To First Floor 63 Dean Street London W1D 4QG	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/14112/LIPDPS	Sola	64 Dean Street London W1D 4QQ	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
21/04327/LIPV	Maoz	43 Old Compton Street London W1D 6HG	Restaurant	Monday; 11:00 - 01:00 Tuesday; 11:00 - 01:00 Wednesday; 11:00 - 01:00 Thursday; 11:00 - 01:00 Friday; 11:00 - 02:00 Saturday; 11:00 - 02:00 Sunday; 11:00 - 00:00
09/06572/LIPN	Amorino	41 Old Compton Street London W1D 6HF	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 12:00 - 01:00
22/08071/LIPT	Jackson & Rye	56 Wardour Street London W1D 4JG	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 00:30
20/07527/LIPDPS	Rubys	56 Wardour Street London W1D 4JG	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 00:30
20/10736/LIPCH	Comptons Of Soho Public House	51 - 53 Old Compton Street London W1D 6HN	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 12:00 - 00:30
17/14216/LIPDPS	Maitre Choux	60 Dean Street London W1D 6AW	Cafe	Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 23:00
18/04298/LIPDPS	Smack Soho	Kemble House 58	Cafe	Monday to Saturday;

		Dean Street London W1D 6AL		12:00 - 22:00
21/11409/LIPDPS	Mr Ji	72 Old Compton Street London W1D 4UN	Cafe	Monday to Sunday; 10:00 - 00:30
22/07874/LIPCH	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
22/02197/LIPT	Poppies Fish & Chips	55-59 Old Compton Street London W1D 6HP	Cafe	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 01:30
21/07370/LIPV	Blacks	Basement To First Floor 67 Dean Street London W1D 4QH	Club or institution	Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 01:30
16/00095/LIPDPS	Compton News	48 Old Compton Street London W1D 4UA	Shop	Sunday; 08:00 - 22:00 Monday to Saturday; 07:00 - 01:00
19/00878/LIPT	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
06/05841/WCCMAP	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
22/03850/LIPV	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Restaurant	Sunday; 12:00 - 00:00 Monday to Thursday; 10:00 - 00:30 Friday to Saturday; 10:00 - 02:00
22/09809/LIPDPS	Laxsa In Soho	Basement To First Floor 37 Old Compton Street London W1D 5JY	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
17/14701/LIPCH	Cay Tre (Soho)	42 - 43 Dean Street London W1D 4PZ	Restaurant	Monday to Sunday; 09:30 - 01:30
20/05990/LIPDPS	Rosas	Ground Floor And Basement 48 Dean Street London W1D 5BF	Shop	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
19/13568/LIPN	Not Recorded	44 Old Compton Street London W1D 4TY	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/11472/LIPN	Starbucks	Ground Floor National House 60 - 66 Wardour Street London	Restaurant	Monday to Thursday; 23:00 - 23:30 Friday to Saturday; 23:00 -

		W1F 0TA		00:00
18/07653/LIPDPS	Freedom	Basement And Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Sunday; 09:00 - 00:00 Monday to Saturday; 09:00 - 03:30
21/10756/LIPVM	The Groucho Club	44-45 Dean Street London W1D 4QB	Club or institution	Monday; 09:00 - 02:30 Tuesday; 09:00 - 02:30 Wednesday; 09:00 - 02:30 Thursday; 09:00 - 02:30 Friday; 09:00 - 02:30 Saturday; 09:00 - 02:30 Sunday; 12:00 - 00:00
22/04199/LIPDPS	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
09/06680/LIPVM	French House Public House	49 Dean Street London W1D 5BG	Public house or pub restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
18/02552/LIPV	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Wine bar	Monday; 10:00 - 23:00 Tuesday; 10:00 - 23:00 Wednesday; 10:00 - 23:00 Thursday; 10:00 - 23:00 Friday; 10:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:00
08/09144/LIPD	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4LR	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
21/14671/LIPDPS	40 Dean Street	40 Dean Street London W1D 4PX	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/09192/LIPVM	Le Relais De Venise LEntrecote	50 Dean Street London W1D 5BQ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 09:00 - 03:30
20/00639/LIPT	Las Banderas	Basement And Ground Floor 68- 70 Wardour Street London W1F 0TB	Cafe	Sunday; 12:00 - 22:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
21/02319/LIPVM	Neat Meat	Basement And Ground Floor 33 Old Compton	Restaurant	Monday; 11:00 - 23:30 Tuesday; 11:00 - 23:30

		Street London W1D 5JU		Wednesday; 11:00 - 23:30 Thursday; 11:00 - 23:30 Friday; 11:00 - 00:00 Saturday; 11:00 - 00:00 Sunday; 11:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00
22/05076/LIPRW	Pitch	12 Meard Street London W1F 0EQ	Leisure (other)	Monday; 11:00 - 21:00 Tuesday; 10:00 - 21:00 Saturday; 10:00 - 23:00 Sunday; 10:00 - 18:00 Wednesday to Friday; 11:00 - 23:00
11/02308/LIPDPS	Prix Fixe Brasserie	Basement And Ground Floor 39 Dean Street London W1D 4PU	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/10545/LIPCH	Honest Burgers	Basement And Ground Floor 4 Meard Street London W1F 0EF	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
12/02725/LIPDPS	Gauthier At Lindsay House	21 Romilly Street London W1D 5AF	Restaurant	Sunday; 10:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
22/09072/LIPDPS	Pickle And Toast	72 Wardour Street London W1F 0TD	Cafe	Thursday; 07:00 - 23:30 Friday; 07:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 Monday to Wednesday; 07:00 - 23:00
17/05557/LIPT	(Former 'Bunnychow')	74 Wardour Street London W1F 0TE	Restaurant	Sunday; 07:30 - 23:00 Monday to Saturday; 07:30 - 23:30
21/08374/LIPDPS	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Club or institution	Monday to Sunday; 00:00 - 00:00



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	19 January 2023
Licensing Ref No:	22/09983/LIPN - New Premises Licence
Title of Report:	Tequila Mockingbird 3 - 5 Burleigh Street London WC2E 7PX
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	19 October 2022		
Applicant:	London Cocktail Bars Limited		
Premises:	Tequila Mockingbird		
Premises address:	3 - 5 Burleigh Street London WC2E 7PX	Ward:	St James's
		Cumulative Impact Area:	None
		Special Consideration Zone:	East Covent Garden
Premises description:	According to the application form, the applicant proposes to operate the premises as a high premium cocktail bar.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	<p>The applicant has provided submissions addressing the relevant spatial policies and proposed twenty-five conditions plus agreed a further five conditions with the Police to form part of their operating schedule. The applicant has also provided a dispersal policy.</p> <p>The applicant also invited the interested parties to the premises to address their concerns.</p> <p>These can be found at Appendix 2 of the Report.</p>		
Applicant amendments:	<p>On original submission of the application, the applicant applied for the following.</p> <p>Live Music, Recorded Music, Performance of Dance, anything similar, Late Night Refreshment and Retail Sale of Alcohol Monday to Wednesday 10:00 to 01:00 Thursday to Saturday 10:00 to 02:00 Sunday 10:00 to 00:30</p> <p>Opening Hours Monday to Wednesday 10:00 to 01:30 Thursday to Saturday 10:00 to 02:30 Sunday 10:00 to 01:00</p> <p>The applicant has since reduced the hours for Thursday to Saturday which are reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:			<p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, the day before Bank Holidays, and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>				

Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:			<p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, the day before Bank Holidays, and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>				

Performance of Dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:			<p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, the day before Bank Holidays, and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p>				

	<p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Anything of a similar description to that falling within (e), (f) or (g):				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:				<p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, the day before Bank Holidays, and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>			

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:				<p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, the day before Bank Holidays, and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>			

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:				<p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, the day before Bank Holidays, and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>			

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:00
Seasonal variations/ Non-standard timings:				<p>An additional hour to the terminal hour on the following notable days: St George's Day; St David's Day, St Patrick's Day, St Andrew's Day, Burns Night, Valentines Night, Halloween, the day before Bank Holidays, and the Friday, Saturday and Sunday preceding all Bank Holidays, Maundy Thursday, Christmas Eve, Christmas Day & Boxing Day, 27, 28, 29 & 30 December, Bonfire Night and New Year's Day.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>			
Adult Entertainment:				None			

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Tom Stewart
Received:	7 November 2022
<p>In regard to the above mentioned application for a new premises licence, The Metropolitan Police Service (MPS) objects to the granting of this application because if granted in its current form, the premises would likely undermine the licensing objective; The prevention of Crime and Disorder.</p> <p>In order to better understand the application, I would like to meet with the applicant and their representative (cc'd) and conduct a site visit. The applicant and/or their representative may reach me at tstewart1@westminster.gov.uk to arrange a visit.</p> <p>Conditions have been agreed between the applicant and the Metropolitan Police. These can be found at Appendix 4.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	16 November 2022
<p>I refer to the application for a New Premises Licence.</p> <p>The premises are located within the East Covent Garden SCZ.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> 1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Wednesday 10.00 to 01.00 hours, Thursday to Saturday between 10.00 and 02.00 hours and Sunday between 10.00 to 00.30 hours. NYE to NYD, Additional hour for BST. Additional hour on notable dates. 2. To provide Late Night Refreshment 'Indoors' Monday to Wednesday 23.00 to 01.00 hours, Thursday to Saturday between 23.00 and 02.00 hours and Sunday between 23.00 to 00.30 hours. NYE to NYD, Additional hour for BST. Additional hour on notable dates. 3. To provide regulated entertainment 'Indoors' comprising <ul style="list-style-type: none"> • Live Music • Recorded Music • Performance of Dance • Anything of a similar description to Live Music, Recorded Music and Performance of Dance Monday to Wednesday 10.00 to 01.00 hours, Thursday to Saturday between 10.00 and 02.00 hours and Sunday between 10.00 to 00.30 hours. NYE to NYD, Additional hour for BST. Additional hour on notable dates. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> 1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area. 2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the 	

area.

3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The applicant has provided additional information with the application which is being addressed. Should you wish to discuss the matter further please do not hesitate to contact me.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	15 November 2022
Dear Sir / Madam,	
We object to two aspects of this proposed licence.	
Background:	
[REDACTED] of the building and is at street level. All but one of the [REDACTED] and we are, I think, the closest to the proposed venue. Our building is single glazed and has metal "crittal" windows which do not stop noise or odours well at all. The Strand Palace has installed an awning and shelf on their building on the corner of Exeter Street. The cleaning staff use this for smoking and congregating before their shift. We are often woken by 6:30am latest by their noise and smell of smoke is pervasive. This area will be an open invitation for smokers from the venue to smoke outside, even protected from inclement weather.	
Objections:	
1: Licensing hours: We object to the proposal to extend the licencing hours beyond the Covent Garden "core hours". People exiting the venue will likely disturb with both noise and smoking and the congrating smokers outside will be there until very close to closing and hence late at night.	
2: Access: If the bar want to direct patrons to approach and leave via the Strand it would be much more appropriate for access to the bar to be via the hotel rather than on the corner of our entirely residential street.	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	15 November 2022
This is a new application for a Licence for a premises located within the NE corner of the Strand Palace Hotel. The application is for a cocktail bar to operate outside WCC's Core Hours. It is situated just outside the West End CIZ but is well within the East Covent Garden SCZ. This area of the hotel is currently licensed within the Hotel footprint under 21/04617/LIPV. This allows the area to operate until 01:00 on all days of the week as part of the hotel. Entry to members of the public is required to end at 00:00 (1 hour before the premises close). The licence also requires that substantial refreshment is available in all areas (including this one) where alcohol is supplied. No consumption of alcohol outside the premises is permitted as	

customers cannot take drinks outside with them.

We assume that after 00:00 entry and exit would have been via the hotel. We do not believe that this licence was ever actually operated and there is no evidence that this use has received Planning Permission. The area was permitted (by Planning) to be used as an "A3 Bar" under 98/0787 when it was changed to this use, but this use had to cease at 23:00. There is no evidence we can find for a subsequent Planning application.

The new licence being applied is to operate the area as a cocktail bar and to keep the premises open for an additional hour on Thursday-Saturday (until 02:00). It maintains the 01:00 time on all other days but does not have the last entry requirement for members of the public.

The CGCA believes that operating the premises as a separate bar to the hotel until the hours and with the conditions proposed will fail to support the Licencing Objectives of the Prevention of Public Nuisance and Prevention of Crime and Disorder. We ask that the licence applied for is either refused, or that the hours for the sale of alcohol are limited to the Core Hours contained within the Licensing Policy HRS1 and that the condition requiring the availability of substantial food is maintained. Whilst outside the CIZ there is no presumption automatically to refuse the Licence we believe that operating an alcohol led premises after these hours is not appropriate in this location as this is now separate from the hotel. We do not believe that the fact that there is an existing licence for the premises justifies even a licence that matches the previous hours. The HRS1 Policy makes clear that one of the reasons to permit applications for new licences beyond the Core Hours in HRS1 is because it wants to diversify the range of activities available at night. Paragraph E9 states that

Hours later than these core hours will be considered on their own merits in relation to other policies in the Statement of Licensing Policy. The council wishes to see a less alcohol-led and a more diverse range and variety of uses available later at night. The Licensing Authority will allow greater flexibility within its core hours approach for venues that add a more varied offer of entertainment and cultural activity.

The addition of a cocktail bar does not diversify the range of activities and is clearly alcohol led. If the premises are open after the end of Core Hours it will attract customers from other premises, and they may give rise to noise and other nuisance as they move through the area towards the premises. It therefore retains people in the area and so adds to the Cumulative Impact from all of the licenced premises. Although just outside the CIZ the premises will still add to the cumulative impact on the area and so it is appropriate to take this into account, especially when considering the hours it proposes to operate after the end of Core Hours.

The application does include a dispersal and egress policy which is attached the application, and which is referred to in the proposed conditions. This aims to ensure that any dispersal is towards the Strand, which is welcome. It is clear in Policy terms that the dispersal of customers is key to preventing nuisance being caused by the premises late at night and we welcome this. However, if the Council chooses to grant a licence later than Core Hours then we believe that additional door staff will be required to ensure that dispersal can be managed effectively as explained below.

The policy requires that the dispersal of customers is to be managed by staff and door staff. However, SIA door supervisors are only required when the premises open until 02:00, which will happen on some Thursdays, Friday and Saturday. Given that they propose to open until 01:00 on all days of the week we do not believe that this is sufficient. Customers dispersing at any time after the end of Core Hours are likely to give rise to a nuisance. We believe that on any night when the premises operates after the end of Core Hours then at least 1 SIA door supervisor needs to be on duty and proposed condition 22 and 23 need to be adjusted appropriately.

We are also concerned that the option to dispense with door staff can be made with only the agreement of the Police. The Police are primarily concerned with Crime and Disorder. The process of dispersal has a significant impact on the public nuisance. Therefore, if the premises wishes to dispense with door staff it should also have the agreement of EH and the Licensing Authority, who are concerned with public nuisance.

The condition referring to the Dispersal Policy is also inadequate. It only requires that the premises has a Policy and that this is available. It is not required that they actually follow the Policy, that they keep it up to date or that they review it at any interval. We believe that the conditions should be revised to ensure that staff are trained in the Policy, that dispersal is

carried out in accordance with it and that it is reviewed regularly any also reviewed if the Licensee is made aware of issues associated with dispersal.

Our proposed alternative condition is as follows:

The Premises Licence Holder shall at all times comply with the Dispersal and Egress Policy as shall be amended from time to time. Copies of the Policy shall be made readily available to the Police and the Licensing Authority upon request. The Policy shall be reviewed at least annually and whenever the Licence Holder becomes aware of issues associated with the dispersal of customers. No changes to the plans may be made without a review with and agreement from the Licensing Authority and the Police.

If the Council is indeed minded to permit a later licence that Core Hours then we would ask that it maintains a last entry condition similar to that which exists on the current licence for the premises but sets it at the end of Core Hours. As stated above the arrival of customers at the premises is likely to give rise to noise in the vicinity of the premises. If they come from Covent Garden this will disturb residents on Tavistock Street which contains several residential buildings. By setting last entry at the end of Core Hours reduces the risk that people will move between premises at the end of Core Hours.

The licence includes conditions related to deliveries and waste, which are welcome. We would also like a condition which requires the premises to move on any Rickshaws and PHV's which congregate on Burleigh Street in the vicinity of the premises and give rise to a nuisance. Their presence in the area would be directly related to the fact that these premises are open, and it is therefore a reasonable mitigation to make. If the applicant prefers to include this in the dispersal policy rather than as a standalone condition then this would be satisfactory, provided that the wording for the condition regarding the Policy is then as we have proposed.

In summary

- We believe that the premises should be limited to licensable activities during Core Hours only, notwithstanding the fact that the premises has an existing (but not, we believe, used) licence to operate as a bar as part of the hotel, with last entry for non-residents at 00:00.
- If the Licensing Authority considers granting a licence beyond Core Hours then last entry should be set at Core Hours.
- Door supervisors should then be required on any day when the premises are open beyond Core Hours
- The dispersal policy clause should be strengthened to ensure not just that there is a policy but that it is followed and reviewed as required.

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	16 November 2022

This is a large scale cocktail bar in close proximity to residents living nearby and I oppose the 2am license on the grounds of noise disturbance as people (up to 250) leave the venue. The noise from the cocktail bar will have a detrimental effect on the quality of life / peace and quiet that residents such as myself who live within close proximity to the venue would like to enjoy.

I would ask for a midnight license instead.

I would also ask that exit from the venue is to be via the main Strand Palace hotel and that the main door should be supervised by a door man who directs people to the Strand, not Exeter Street and does not allow groups to congregate outside.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	15 November 2022

As a near neighbour to this proposed new bar I object to the new use being for a late licensed drink led establishment next door to a [REDACTED], many facing onto the proposed bar and with a horseshoe shaped courtyard that is a sound well for all noises in Exeter Street with many bedrooms facing into the courtyard and many facing onto the corner of Exeter Street and Burleigh Street directly opposite this new proposal. No one will escape the noise.

I object to the 2am application, which is 2 hours later than the vast majority of other bars in the area so obviously drinkers will flock here to take advantage of the late license and likely to do so when other establishments close. This is a quiet corner of Covent Garden and at midnight especially quiet and not the entertainment area that one may expect (most of Covent Garden Piazza area is quiet after 10.30/11pm). Harlequin Court does not have double or secondary glazed windows, they are single glazed crittal windows, and part of the block is a listed building so that will never change.

We will clearly be disturbed by drinkers arriving and leaving this bar whether on foot or by taxi and it is also very likely given my experience of the area that pedicabs will be attracted to a late drinking venue.

It is accepted that lack of and poor/disturbed sleep is damaging to mental health. People arriving and leaving likely drunk will be noisy or at least make more noise than when sober. Voices are louder inhibitions lower.

I ask that any license granted be to core hours only,

No smoking outside the entrance

There must be no bottle collections before 8am - as this will be taken directly outside the residents' windows.

Experience has shown me that complaining to the Strand Palace produces little action as I found with their bins left out 24/7 and taken at 6am including bottle tipping

Further Submissions received on 24th December 2022 following a Site Visit held on 12th December 2022

I met with the founders of the proposed bar as suggested with other neighbours. Nothing was said to allay our fears of noise and disturbance from the premises.

It is quite a large area split into two but I would not have thought large enough for 200/250 people - the majority would be standing as there is not sufficient seating (though the 'founders' did say that the majority would be seated and there would not be as many as 200/250 but we can only go by the application) . There will be no doorman 'unless it's busy' - unfortunately as I think anyone will realise that it takes a handful of overly refreshed or happy people to cause a disturbance and the bar is within little more than touching distance of Harlequin Court (as I've said before, single glazed and leaky windows). Smoking is still an issue as this is likely to be outside, I suggested a smoking/vaping area lower down but talking will still be heard as the area is silent after 10/10.30pm when the theatres have emptied. Any talking or sound in Exeter Street can be clearly heard in the residences of Harlequin Court as the courtyard is a sound well. Fortunately these noises pass - anyone standing outside this new proposed bar will not - and there will be a turn over of people to carry on with the noise.

We've heard nothing back from the founders with any suggestions to help mitigate disturbance so our objections still stand

We do need to protect our homes: this is my full time home as it is with the others who objected (and more who did not put in a formal objection but still unhappy with the erosion of our peace). There is a general feeling that 'no one lives in Covent Garden' and all is now over to overseas students and airbnb - this is simply not the case but as our amenity is eroded more residents will leave and Covent Garden will lose its unique nature of being home to '000's of residents alongside a thriving business population. This can only be saved by not having bars and clubs closely sited to residential properties.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	15 November 2022

I don't object to the license itself but to the hours which are too long for residents and neighbours and will be a nightmare us. The license application is for up to 2am Thursday to Saturday and 1am Monday to Weds and 12.30 Sunday. My bedroom is directly above the bar so I will be adversely affected by the noise especially as the street is a noise trap.

Licensing hours in Covent Garden have been held mostly to 'core hours' and are to 11.30pm Monday to Thursday and 12/midnight at weekends, which protects the neighbourhood. This operator can take advantage of the overall license of the Strand Palace which operates to 1am but would like to manage its own and has asked for the extra hour. Covent Garden is not 'party central' despite its reputation. There are also very few places for drinking only and drinking late so it will be popular - the only late licences nearby are Dirty Martini at 2am and another in what was the RoadHouse (not yet opened) both in the Piazza. We don't want Covent Garden to be "party central."

This full-on cocktail bar (<https://www.tequilamock.com/>) of 200/250 'guests' with only 80 standing is too much for this corner (having gone from nothing, this is essentially a new venue) and noise and disturbance of people leaving or entering will be immense.

To mitigate this I suggest

- (a) new license hours should be latest to midnight weekdays and Saturday
- (b) additional time till 1am if essential, via the existing Hotel license, but after midnight entrance (and exit) should be via the entrance to the hotel on the Strand
- (c) no smoking or congregating on the street at all (it is a noise trap for anyone there already)

It isn't just the noise of the bar but the crush and noise of dispersal under our windows late at night which is going to adversely affect the neighbourhood. Please don't grant this late license for tequila fuelled party goers!

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	26 October 2022

[REDACTED] the road from the proposed property. [REDACTED]
[REDACTED] We have no objection to licensed premises but live music to 3.00 a.m in a previously quiet street is unacceptable. If the property closed at midnight it would be more consistent with the neighbourhood.

Further Submissions received on 9th January 2023 which were sent to the applicant with the reply within the Applicants Supporting Documents at Appendix 2

Thank you for inviting me to appear before the licensing sub committee on January 19th. Unfortunately I cannot attend that day but my concerns are simple and amount to three

questions.

1) what is the intended sound insulation in the building to prevent noise reaching street level.

2)What is the expected decibel level outside the proposed bar?

3) If approved what is the remedy if the noise level is exceeded?

I thank you for organizing this meeting and hope all interested parties are able to make their representations.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy SCZ1 applies	A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule. B. For the purpose of Clause A, the designated Special Consideration Zones are: <ul style="list-style-type: none">• West End Buffer.• Queensway/Bayswater.• Edgware Road.• East Covent Garden.• Mayfair.• Victoria.
Policy HRS1 applies	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: <ol style="list-style-type: none">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. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.5. The proposed hours when any music, including incidental music, will be played.6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at

	<p>night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>6. Pubs and bars, Fast Food and Music and Dance venues</p> <p>Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight. Sunday: Midday to 10.30pm. Sundays immediately prior to a bank holiday: Midday to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p>Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p>Policy PB1 applies</p>	<p>Policy PB1</p> <p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within</p>

	<p>the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 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. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 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 latenight 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. <p>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.</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

4. Equality Implications

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

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

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

5. Appendices

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

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	7 th November 2022
5	Environmental Health Service	16 th November 2022
6	Representation 1	15 th November 2022
7	Representation 2	15 th November 2022
8	Representation 3	16 th November 2022
9	Representation 4	15 th November 2022
10	Representation 5	15 th November 2022
11	Representation 6	26 th October 2022



Dispersal Policy

**Dispersal & Egress Policy – Tequila Mockingbird,
Burleigh Street**

Safe and orderly and dispersal of all guests is of the utmost importance

Key Targets for This Policy

The below policy aims to take all reasonable steps to achieve the following targets

- o Guests leave quietly and safely and cause minimum nuisance, disturbance or impact to the surrounding area
- o Residents & other business operators (and their guests) are not disturbed by noise from our venue or from our guests, or our guests' actions
- o Prevention & removal of negative impacting factors on the surrounding area including (but not limited to) urination, littering and damage
- o Prevention of crime being caused or committed by our guests or indeed where our guests are the victim(s)
- o Assist anyone who is vulnerable in our vicinity, even those who may not be guests
- o To be a positive influence on our community & work in conjunction with our neighbours, relevant bodies (inclusive of local security) and fellow operators nearby
- o Adherence to the licensing objectives;
 1. Prevention of crime and disorder
 2. Public safety
 3. Prevention of public nuisance
 4. Protection of children from harm

Winding Down

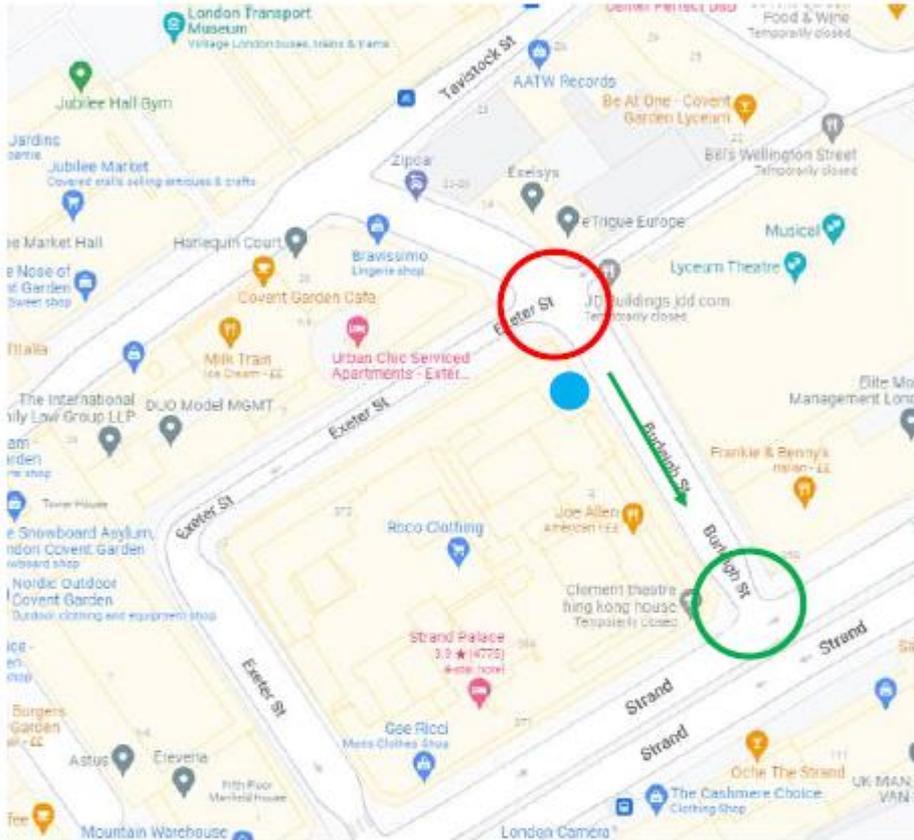
On peak days (Thursday to Saturday) or ANY days which we have more than 50 guests present towards closing time, gradual dispersal will be encouraged in the following ways.

1. Calling last orders such that there is adequate "drinking-up time".
2. Staff encouraging customers to finish their drinks and prepare to leave in plenty of time.
3. Adequate signage around respectful exit and transport information.
4. We will play music (see point 5.ii) for an appropriate amount of time (either 'drinking up time' if we have closed earlier than our licensed hours or the time allowed on our license, whichever is sooner) after last orders are placed, while guests remain.
5. 'Dynamic Closing'
 - i. Use of increased lighting as the last orders are taken or even before and
 - ii. Utilise our slower music playlists and reducing volume from the time of last orders or even before

Dispersal

Guests will be directed by staff and signage as they exit the premises. Sufficient staff (and door staff where appropriate) will be present at the front entrance to the venue and beyond.

At that point staff (and door staff where appropriate) will encourage customers to disperse primarily to the **right** as they leave. We aim to persuade this via signage, human requests and use of barriers (if applicable) to get guests to turn right along the building onto Burleigh Street and towards The Strand.



Green Circle – Target Area to Disperse to (and beyond)
Red Circle – Areas to avoid where possible
Blue Dot – Tequila Mockingbird

Staff and Door Supervisors roles (regarding dispersal and closing) will include the following: -

1. Door staff, where employed, will be briefed at the beginning of each shift as to the dispersal of customers
2. To encourage customers to leave the premises in a quiet and orderly manner.
3. Not to allow any drinks to be taken outside the building.

4. If customers are found to be loitering near the building, then they will be politely asked to move on as quickly and quietly as possible.
5. To do everything in our power to promote the objectives & targets laid out above
6. To pay particular attention to guests close to the barriers and body of water. We must intervene with urgency in that instance.

7. Door supervisors for the duration of dispersal and closing will have their Body Worn Cameras switched on and recording both audio and video.

Manager's role: -

It is ultimately the responsibility of the General Manager or Senior Manager on duty to ensure that: -

1. Door supervisors and other managers and staff act effectively and responsibly to comply with this policy and are aware of the importance of customers leaving as safely and quietly as possible.
2. Ensure that all managers and SIA registered door staff will be in communication through radio contact across all areas of the venue and outside the demise.
3. Customers do not cause disturbance or nuisance to any residents within the vicinity of the premises.
4. To prioritise and assist wherever possible in ensuring that customers leave as safely, quietly and in as orderly manner as possible.
5. All staff who sell alcohol will receive training in relation to the premises Challenge policy
6. Conduct a visual check of the surrounding area subsequent to guests vacating the area to minimise impact on neighbouring properties, businesses and public highways caused our guests.
7. Conduct cleaning / take action where needed based on point 6
8. Our community radio (where applicable) is utilised

CCTV

CCTV showing the area outside of the entrance (part of the same system and therefore part of the same processes & checks as the internal CCTV system) shall be in place

Vulnerability

We support the Ask For Angela campaign and its objectives (see poster below)

We are proud to be responsible operators in the area and as such our assistance is not limited to guests alone. We should offer support, advice or assistance to other passers by where we can.

Potential Signs of Vulnerability: -

- Persons whose intoxication or physical state means they may not be able to be able to look after themselves and make their way safely home
- A guest / potential guest who has been asked to leave or refused entry. Our responsibility does not stop there. Are we confident that person will get home safely?
- Those leaving alone or looking lost or unsure of where to go
- People in a highly emotional state

- Persons leaving with a person or group of persons who you suspect are not their friends or trustworthy – For example, a lone guest leaving with a group who have not been guests in the venue may be a cause for suspicion.
- Persons being cajoled, persuaded or physically assisted / corralled away from the venue
Persons asking for assistance or lingering near security operatives / staff and not wanting to leave
- Any body language, behaviour or reports of; violence, sexual misbehaviour or potential domestic abuse, children being in danger or anything else of concern
- Vulnerability is not limited to specific gender or age and not only occurs at the end of the night

If we spot a vulnerable person(s): -

- If a crime is being committed or likely to, please call 999 and a manager should be called to support this process
- For any other issues a manager should be called to assist if not present already
If there is simply a suspicion of vulnerability often the way to ascertain whether that is the case is to simply ask those involved if they re OK or need any assistance
- Remember that in examples of sexual criminal behaviour, the potential victim may not feel able to say they need assistance (and may not be aware of the Ask For Angela campaign). In such instances we must endeavour to intervene or at the very least keep said persons in site while we call 999 for assistance
- In all cases – If you are in any doubt it is always preferable to Investigate, report and take action

How can we help: -

- Providing transport advice and information on the local area
- Intervention to prevent crimes or escalation of issues
- Providing safe-haven at our entrance or inside where applicable & possible
- Contacting loved ones, the police or other persons in order to make sure guests get home safely or to assist in other ways
- Managers are permitted to pay for transport or assist in other ways to help those most in need get home
- Reporting (either to police where applicable or internally) issues we have witnessed, details of persons involved, timings of issues etc primarily via our 'Security Action Sheet'
- Full co-operation with the police or other bodies to assist them at the time or in times subsequent to an issue around vulnerability

Whilst the topic of vulnerability and sexual criminal behaviour is a challenging one, Tequila Mockingbird and other operators in our sector are proud to take steps and actions to support vulnerable people in our area.

Remember: Our actions, intervention, integrity and processes could help prevent serious crimes and assist people at their time of need.



Special Consideration Zone Submissions

RE: 22/09983/LIPN - 3 - 5 Burleigh Street, London, WC2E 7PX. PCX:000085000000075



Felix Faulkner <f.faulkner@popall.co.uk>

To: Abbott, Karyn: WCC

Cc: Police Fullapps: WCC; EH Consultation Team: WCC



Reply



Reply All



Forward



Tue 25/10/2022 13:23

Hi Karyn,

Apologies, the application form through the WCC website did not provide me adequate space for all the information.

The locality of the premises within the East Covent Garden Special Consideration Zone has been considered carefully and conscientiously by the applicant, and in turn with discussions with both Ian Watson at the pre-application meeting and David Kaner of the Covent Garden Association.

The applicant has presented a strong bank of conditions, which both mirrors and enhances the conditions on the licence currently in force at the site, which in conjunction with the provision of SIA door supervision on the busier nights and a strong and site-specific dispersal policy (submitted with the application), will ensure any potential noise nuisance is kept to an absolute minimum for the surrounding areas.

The applicant has already taken the advice and specialist comments on board from Mr Watson and Mr Kaner and will continue to liaise with them both throughout the consultation, and including any other parties who would provide comment, to alleviate any concerns regarding noise.

I trust the above is satisfactory, but please do advise if you have any further questions.

Many thanks

Felix

Felix Faulkner | Solicitor

Poppleston Allen

E:f.faulkner@p T:0115 93 M:07495 W:https://cas5-0-

opall.co.uk | 49 172 | 497199 |urlprotect.trendmicro.com:443/wis/clicktime/v1/query?url
=www.popall.co.uk&umid=5c3b09c6-0341-49df-b2b0-
e1330630249d&auth=f23bd3b3794c7a5914053bd0a99b1b
4837b89b14-
de572b119f53bf7d39c27e6a4bd45d901b8c462f

London Office: The Stanley Building, 7 Pancras Square, London, N1C 4AG

Coronavirus - Important Information

Business continues as usual. A number of our team continue to work securely from home and remain available via email or phone. Where possible, all correspondence will be dealt with electronically and there may be a delay in sending out hard copy documents by post.

Cybercrime notification: Our bank account details will NOT change during the course of a transaction. Please speak to us before transferring any money. We will not take responsibility if you transfer money to an incorrect bank account. If you receive an email from Poppleston Allen requesting your bank details or purporting to amend our bank details, please contact us, or your solicitor, as appropriate, by telephone immediately to clarify.

Felix Faulkner | Solicitor

Site Visit Invite for Interested Parties

FW: 3 - 5 Burleigh Street, London, WC2E 7PX - 22/09983/LIPN PCX:00008500000232



Abbott, Karyn: WCC

To

Cc Stewart, Tom: WCC; Watson, Ian: WCC

Bcc licensing@coventgarden.org.uk; andrew.caffyn@gmail.com; vicky@poolers.net;
 baxze@hotmail.com; david.kaner; chesapp@gmail.com; sdombey@comcast.net

This message was sent with High importance.



Reply

Reply All

Forward



Wed 07/12/2022 12:22

Good Afternoon

The applicant is inviting you to meet the founders of Tequila Mockingbird to discuss your concerns.

The founders will be at the premises on Monday 12th December at midday.

Please can you let me know by Friday 2pm if you can attend so I can advise the applicant?

Many Thanks

Karyn Abbott
Senior Licensing Officer
Licensing Team
Public Protection & Licensing Department

Westminster City Council
15th Floor
64 Victoria Street
London SW1E 6QP

Mobile 07866 019698
Call Centre (for general queries) 020 7641 6500



From: Felix Faulkner <f.faulkner@popall.co.uk>

Sent: 07 December 2022 11:53

To: Abbott, Karyn: WCC <kabbott@westminster.gov.uk>

Subject: FW: 3 - 5 Burleigh Street, London, WC2E 7PX - 22/09983/LIPN
PCX:00008500000232

Importance: High

Dear Karyn,

I hope you are well.

Having spoken with my client, I have been instructed to pass an invitation to the individuals who have objected publicly to our application to meet the founders of Tequila Mockingbird to discuss their concerns.

My client will be at the premises on Monday 12th December at midday. Please can you pass the invite onto the objectors?

If the above date is not feasible, then I would welcome any additional proposed dates which I can pass onto my client.

Please let me know if you receive any responses.

Kind regards

Felix

Felix Faulkner |Solicitor

Poppleston Allen

E:f.faulkner@p T:0115 9 M:07495 W:https://cas5-0-
opall.co.uk | 349 172 |497199 |urlprotect.trendmicro.com:443/wis/clicktime/v1/query?
url=www.popall.co.uk&umid=cc551081-37bb-4bb4-
8f9a-
e66f40a0e00f&auth=f23bd3b3794c7a5914053bd0a99
b1b4837b89b14-
08599a28fae36e5ef78b495e39a3e81b2a7113fa

London Office: The Stanley Building, 7 Pancras Square, London, N1C 4AG

Coronavirus - Important Information

Business continues as usual. A number of our team continue to work securely from home and remain available via email or phone. Where possible, all correspondence will be dealt with electronically and there may be a delay in sending out hard copy documents by post.

Cybercrime notification: Our bank account details will NOT change during the course of a transaction. Please speak to us before transferring any money. We will not take responsibility if you transfer money to an incorrect bank account. If you receive an email from Poppleston Allen requesting your bank details or purporting to amend our bank details, please contact us, or your solicitor, as appropriate, by telephone immediately to clarify.

Felix Faulkner |Solicitor

Poppleston Allen

E:f.faulkner@p T:0115 9 M:07495 W:https://cas5-0-
opall.co.uk | 349 172 |497199 |urlprotect.trendmicro.com:443/wis/clicktime/v1/query?
url=www.popall.co.uk&umid=cc551081-37bb-4bb4-
8f9a-
e66f40a0e00f&auth=f23bd3b3794c7a5914053bd0a99
b1b4837b89b14-
08599a28fae36e5ef78b495e39a3e81b2a7113fa

Authorised and Regulated by the Solicitors Regulation Authority (SRA No: 78244). The professional rules to which we are subject are the Solicitors Code of Conduct. These rules can be viewed at <https://cas5-0-urlprotect.trendmicro.com:443/wis/clicktime/v1/query?url=www.sra.org.uk&umid=cc551081-37bb-4bb4-8f9a-e66f40a0e00f&auth=f23bd3b3794c7a5914053bd0a99b1b4837b89b14-0774470f26d48941ca4e32786b19f31b94531557>.

This email and the attachments are intended for the above named persons only and may be confidential and privileged. If you receive it in error please tell the sender immediately and do

Applicant response to Interested Party on 10th January 2023

RE: Tequila Mockingbird - 3 - 5 Burleigh Street, London, WC2E 7PX PCX:000085...



Felix Faulkner <f.faulkner@popall.co.uk>

To: Abbott, Karyn: WCC
Cc: Watson, Ian: WCC; James Anderson



11:46

You forwarded this message on 11/01/2023 13:37.

Karyn,

Thank you for providing the comments below.

The applicant, if they obtain the licence, will be constructing a noise lobby inside the main entrance of the premises. This will ensure the doors can be closed and keep noise breakout to a minimum.

The side fire exit doors of the premises will be converted into acoustic doors to ensure minimal noise breakout, and all windows are being converted to non-opening triple glazed window, with an air gap between the new windows and the existing, to again avoid any further noise breakout.

The premises ceiling is being lowered by approximately 200mm to allow for the addition of a secondary acoustic ceiling, comprised of metal framework, acoustic plasterboard hangers, double sound board plasterboard, and filled with 100mm RW3 Rockwool.

Small speakers are to be used throughout the premises, without any additional bass speakers, which are to be hung on account mounts to decouple them from the wall.

A sound limiter is to be installed and set at a level which prevents nuisance noise permitting through the hotel & into the street.

It is not the intention of the applicant to provide any form of nuisance to any nearby residents, and all measures possible are being put in place to prevent this.

Further, the premises is directly below the Strand Palace Hotel, with 16 bedrooms of the hotel directly above the bar.

The entire premises is being fitted to ensure that no noise nuisance is provided to the guests in the hotel, and the landlord of the property, and these measures will in turn prevent any nuisance caused to the residents on Exeter Street.

Many thanks
Felix

Felix Faulkner | Solicitor

Poppleston Allen

E:f.faulkner@p
opall.co.uk T:0115 93 | 49 172 M:07495 | 497199 W:<https://cas5-0-protect.trendmicro.com:443/wis/clicktime/v1/query?url=www.popall.co.uk&umid=f98d6e92-245f-4ff3-99c1-bf60a4ceecba&auth=f23bd3b3794c7a5914053bd0a99b1b4837b89b14->

a6c2f31e63345df86e085c4780d9d70044b41e7a

London Office: The Stanley Building, 7 Pancras Square, London, N1C 4AG

Cybercrime notification: Our bank account details will NOT change during the course of a transaction. Please speak to us before transferring any money. We will not take responsibility if you transfer money to an incorrect bank account. If you receive an email from Poppleston Allen requesting your bank details or purporting to amend our bank details, please contact us, or your solicitor, as appropriate, by telephone immediately to clarify.

Felix Faulkner | Solicitor

Poppleston Allen

E:f.faulkner@p T:0115 93 M:07495 W:https://cas5-0-
opall.co.uk | 49 172 | 497199 |urlprotect.trendmicro.com:443/wis/clicktime/v1/query?url
=www.popall.co.uk&umid=f98d6e92-245f-4ff3-99c1-
bf60a4ceecba&auth=f23bd3b3794c7a5914053bd0a99b1b4
837b89b14-
a6c2f31e63345df86e085c4780d9d70044b41e7a

Authorized and Regulated by the Solicitors Regulation Authority (SRA No: 78244). The professional rules to which we are subject are the Solicitors Code of Conduct. These rules can be viewed at <https://cas2-0-urlprotect.trendmicro.com:443/wis/clicktime/v1/query?url=www.sra.org.uk&umid=f98d6e92-245f-4ff3-99c1-bf60a4ceecba&auth=f23bd3b3794c7a5914053bd0a99b1b4837b89b14-81c8ac963337fca0283c78013206f737b8c7756>

This email and the attachments are intended for the above named persons only and may be confidential and privileged. If you receive it in error please tell the sender immediately and do not copy, show or distribute them to anyone. Although we have taken steps to ensure that this email and its attachments are free from any viruses, it is your responsibility to ensure that viruses do not adversely affect your system. Our firm accepts no responsibility or liability for malicious or fraudulent emails purportedly coming from our firm and that it is the recipient's responsibility to ensure that any emails coming from our firm are genuine before replying on anything contained within them.

From: Abbott, Karyn: WCC <kabbott@westminster.gov.uk>

Sent: 10 January 2023 09:04

To: Felix Faulkner <f.faulkner@popall.co.uk>

Cc: Watson, Ian: WCC <iwatson@westminster.gov.uk>

Subject: Tequila Mockingbird - 3 - 5 Burleigh Street, London, WC2E 7PX

Hi Felix

I have received the below from Stuart Dombey regarding Tequila Mockingbird. Please can you provide some answers if you can.

Thank you for inviting me to appear before the licensing sub committee on January 19th. Unfortunately I cannot attend that day but my concerns are simple and amount to three questions.

- 1) what is the intended sound insulation in the building to prevent noise reaching street level.
- 2)What is the expected decibel level outside the proposed bar?
- 3) If approved what is the remedy if the noise level is exceeded?

I thank you for organizing this meeting and hope all interested parties are able to make their representations.

Many Thanks

Karyn Abbott
Senior Licensing Officer
Licensing Team
Public Protection & Licensing Department

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
11. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a. (a) all crimes reported to the venue
 - b. (b) all ejections of patrons
 - c. (c) any complaints received regarding crime and disorder
 - d. (d) any incidents of disorder
 - e. (e) any faults in the CCTV system
 - f. (f) any refusal of the sale of alcohol
 - g. (g) any visit by a relevant authority or emergency service
13. The inner entrance lobby doors shall be kept closed after 22.00 hours when regulated entertainment takes place, except for the immediate access and egress of persons.
14. After 22.00 hours all sales of alcohol for consumption off the premises shall be in sealed containers.
15. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. 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.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

20. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance or obstruction of the public highway.
21. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
22. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
23. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day.
26. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 hours on the following day.
27. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.
28. No licensable activities shall take place 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. 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.
30. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
31. There will not be less than two SIA licensed door supervisors on duty from 20:00 hours, and an extra one SIA door supervisor on duty from 21:00, until close on a Thursday if the premises is to open until 01:00.

32. There will not be less than two SIA licensed door supervisor on duty from 20:00, and an extra one SIA door supervisor on duty from 21:00, hours until close on Fridays and Saturdays.
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. A minimum number of 80 seats shall be available within the premises at all times.

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

35. 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.
36. After 23:00, 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 with them.
37. 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 front of house 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.
38. All front of house staff at the premises shall receive Welfare and Vulnerability Engagement (WAVE) training, or similar by a qualified trainer, and once every 12 months thereafter. The date the training was provided and signed confirmation from the member of staff shall be recorded and made available for inspection by the Responsible Authorities upon request.
39. The licensee shall ensure that:
 - a. All licensed SIA door staff on duty at premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team.
 - b. All recordings shall be stored for a minimum period of 31 days with date and time stamping, and
 - c. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

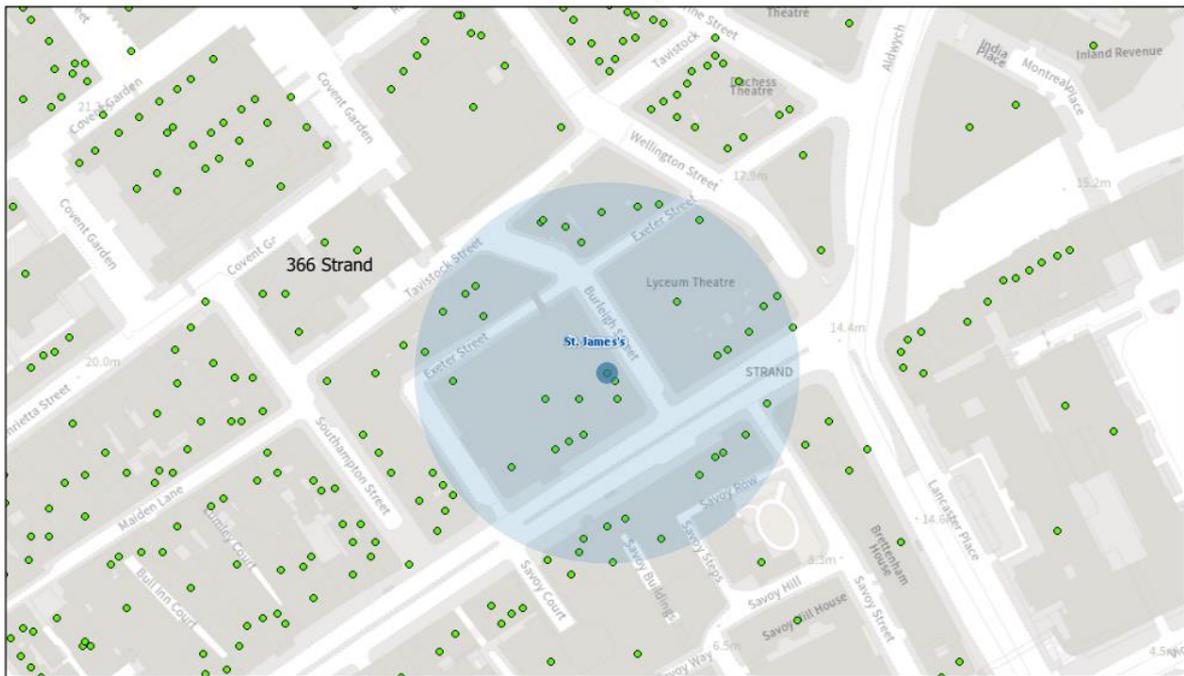
Conditions proposed by an Interested Party and agreed by the applicant to form part of the operating schedule

40. The Premises Licence Holder shall at all times comply with the Dispersal and Egress Policy as shall be amended from time to time. Copies of the Policy shall be made readily available to the Police and the Licensing Authority upon request. The Policy shall be reviewed at least annually and whenever the Licence Holder becomes aware of issues associated with the dispersal of customers. No changes to the plans may be made without a review with and agreement from the Licensing Authority and the Police.
41. There will not be less than one SIA licensed door supervisors on duty from 21:00 hours until close on any day the premise is open past midnight.

Conditions proposed by the Environmental Health

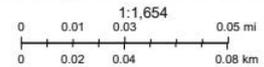
None

3 - 5 Burleigh Street, London



05/01/2023, 11:00:09

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



Resident Count = 55

Licensed premises within 75 metres of 3 – 5 Burleigh Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/02845/LIPV	Restaurant Ground Floor	Strand Palace Hotel 372 Strand London WC2R 0JJ	Restaurant	Monday; 09:00 - 00:30 Tuesday; 09:00 - 00:30 Wednesday; 09:00 - 00:30 Thursday; 09:00 - 00:30 Friday; 09:00 - 00:30 Saturday; 09:00 - 00:30 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:30
21/04617/LIPV	Strand Palace Hotel	Strand Palace Hotel 372 Strand London WC2R 0JJ	Hotel, 4+ star or major chain	Monday; 00:00 - 00:00 Tuesday; 00:00 - XXXX Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday;

				00:00 – 00:00 Sunday; 00:00 – 00:00
17/14646/LIPCH	Bar Ground Floor	Strand Palace Hotel 372 Strand London WC2R 0JJ	Public house or pub rest	Sunday; 09:00 - 00:00 Monday to Saturday; 09:00 - 00:30 Sundays before Bank Holidays; 09:00 - 00:30
21/06946/LIPDPS	The Lyceum Theatre	The Lyceum Theatre 17 - 21 Wellington Street London WC2E 7RQ	Theatre	Monday to Sunday; 09:00 - 01:30
21/04558/LIPDPS	Frankie & Bennys	Basement And Ground Floor Burleigh House 357 Strand London WC2R 0HS	Restaurant	Monday to Sunday; 07:00 - 00:30
22/03688/LIPN	Not Recorded	7 - 9 Burleigh Street London WC2E 7PW	Restaurant	Monday to Sunday; 11:30 - 23:00
22/06427/LIPDPS	Lyceum Tavern Public House	Ground Floor 354 Strand London WC2R 0HS	Pub or pub restaurant with lodge	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 23:30 Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
09/05167/LIPD	La Anabela	18 Tavistock Street London WC2E 7PP	Shop	Monday to Sunday; 10:00 - 19:00
17/09661/LIPT	Sophie's Steakhouse	Covent Garden 29 - 31 Wellington Street London WC2E 7DB	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:00
17/09813/LIPT	Joe Allen And Orso Restaurant	27 Wellington Street London WC2E 7DB	Restaurant	Sunday; 12:00 - 22:30 Sunday; 12:00 - 00:00 Monday to Thursday; 10:00 - 23:30 Monday to Saturday; 10:00 - 01:30 Friday to Saturday; 10:00 - 00:00
15/11893/LIPV	Viandas De Salamanca	99 Strand London WC2R 0EW	Cafe	Monday to Sunday; 08:00 - 00:00
16/09107/LIPCH	Casa Manolo	99 Strand London WC2R 0EW	Cafe	Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 -

				00:00 Sundays before Bank Holidays; 10:00 - 00:00
14/08353/LIPT	Brioche	15 Exeter Street London WC2E 7DT	Cafe	Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 01:00
21/06107/LIPN	Ole Steen	352-353 Strand London WC2R 0HS	Cafe	Sunday; 06:30 - 22:30 Monday to Saturday; 06:30 - 23:00
10/03038/LIPN	The Covent Garden Kafeneo	12 - 14 Tavistock Street London WC2E 7PH	Restaurant	Sunday; 12:00 - 19:00 Monday to Saturday; 10:00 - 20:00
22/05407/LIPDPS	Oche	Basement 105 Strand London WC2R 0AB	Restaurant	Sunday; 11:00 - 00:00 Monday to Saturday; 11:00 - 01:30
22/06953/LIPDPS	Be At One	23 Wellington Street London WC2E 7DA	Public house or pub restaurant	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
21/06904/LIPDPS	Bills	21 Wellington Street London WC2E 7DN	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
18/09378/LIPVM	Wellington Public House	351 Strand London WC2R 0HS	Restaurant	Sunday; 07:00 - 22:30 Sunday; 07:00 - 00:00 Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00
19/04065/LIPDPS	Simpsons In The Strand	100-102 Strand London WC2R 0EW	Restaurant	Sunday; 07:30 - 00:00 Monday to Tuesday; 07:30 - 01:30 Wednesday to Saturday; 07:30 - 03:30 Sundays before Bank Holidays; 07:30 - 01:00



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	19 January 2023
Licensing Ref No:	22/10585/LIPN - New Premises Licence
Title of Report:	39 Drury Lane London WC2B 5RR
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	3 November 2022		
Applicant:	Club Soda Limited		
Premises address:	39 Drury Lane London WC2B 5RR	Ward:	St James's
		Cumulative Impact Area:	None
		Special Consideration Zone:	East Covent Garden
Premises description:	<p>According to the application form the premises will trade as a high street shop selling low and no alcohol drinks. The majority of products sold will be alcohol-free (0.5% ABV and under) but we will have a small selection (no more than 10% of our range) of lower ABV drinks too, e.g. beers under 3%, wines under 8% and spirits where the ABV of the final drink when mixed with a mixer will be significantly lower than standard cocktails.</p>		
Premises licence history:	This is a new premises licence application and no premises history exists.		
Applicant submissions:	<p>A major part of our plan for the premises will be educating both consumers and professionals about low and no alcohol drinks. Club Soda has been operating since 2015, supporting people to reduce their harmful alcohol use, educating and informing both consumers and trade about low/no alcohol drinks, and organising the Mindful Drinking Festivals. Last winter we had a pop-up shop on Great Portland Street for three months, where we tested our shop idea.</p> <p>This shop will be a permanent location and gives us a great venue to become the mindful drinking hub for all of London and the UK. There are no other alcohol-free shops in the UK, and we see this is a serious gap.</p> <p>The premises will have space not only for retail sales on the ground floor, but also a small amount of seating for customers to sit down and enjoy low and alcohol-free drinks, as well as a separate basement area for training events, such as cocktail making masterclasses and small trade events.</p> <p>Club Soda is a Certified B Corporation social business, aiming for a positive impact on society and the environment. Our articles of association requires that "Directors must act in a manner that will in the opinion of the directors ensure that the Company contributes to a world in which people drink mindfully and live well."</p> <p>We have worked with central and local government to promote</p>		

	public health and encourage licensed venues to stock more low and no alcohol drinks. We see our shop as a great venue to continue this work with Westminster Council and local licensed venues. Further supporting documents from applicant appear at appendix 2
Applicant amendments:	The applicant has agreed conditions which appear at appendix 4

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:							

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health
Representative:	Ayesha Bolton
Received:	01 December 2023

I refer to the application for a new Premises Licence for the above premises.

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

1. To provide for the Supply of Alcohol both 'On' and 'Off' the premises from Monday to Saturday 10.00 to 23.00 and Sunday 11.00 to 22.00 hours.

I wish to make the following representation:

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

The granting of the application as presented would have the likely effect of causing an increase

in Public Nuisance and impact on Public Safety within the area.

The applicant has provided additional information within the application which is being assessed. Additional conditions will be proposed by Environmental Health to address the licensing objectives.

2-B Other Persons

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]

Received:	16 November 2022
------------------	------------------

This is an application for the sale of alcohol both for on and off sales. It appears that the ground floor will be used for off-sales in sealed containers and the basement for both off-sales and on-sales. All of drinks will be low or no alcohol.

The CGCA does not have an objection to the activities as described but there are no conditions proposed which require the premises to operate in this way. If the application was granted as applied for then the premises could operate as a stand up bar selling all forms of alcohol until 23:00.

We therefore OBJECT to the application because of the impact on Public Nuisance and Crime and Disorder.

We would be content with the application if the following conditions were added

- Products containing alcohol will form no more than 20% of sales at the premises
- Products of more than 10% ABV will be no more than 5% of sales at the premises
- The sale of alcohol is ancillary to the primary use of the premises as a place to educate and inform consumers and professionals regarding low/no alcohol drinks.
- No deliveries to the premises shall take place between 20:00 and 08.00 on the following day [MC65]
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. [MC34]
- No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08:00 hours on the following day. [MC35].

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

Following agreement of the conditions proposed above, the Interested party withdrew their representation on 10 January 2023

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]

Received:	28 November 2022
------------------	------------------

I live in Long Acre, just round the corner from 39 Drury Lane. I have no overall objection to this application but think the finishing time should be slightly earlier eg 10.30pm to allow for the dispersal of those using the premises without causing disturbance to the local residents.

Name:	████████████████████
Address and/or Residents Association:	██████████ ██████████████████ ██████████ ██████████████
Received:	09 November 2022
<p>I welcome this Alcohol Free/Low Alcohol addition to Covent Garden. This neighbourhood suffers from awful public drunkenness (and its attendant noise, littering and vandalism) especially on Thursday-Saturday nights. Any new business that aims to promote mindful drinking is an improvement.</p> <p>I believe Club Soda will be a great addition to the neighbourhood - its shop on Great Portland Street was very smart. I also like that it is a business that appeals to women, as so many of the pubs here are very male.</p>	

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> • West End Buffer. • Queensway/Bayswater. • Edgware Road. • East Covent Garden. • Mayfair. • Victoria.
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 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. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music,

	<p>will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications</p>
<p>Policy SHP1 (A) applies</p>	<p>A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 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 meeting the council's Ancillary Alcohol and/or Late night Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the

	premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.
--	-----------------------------------------------------------------------------------------------------------------------

4. Equality Implications

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

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

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

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

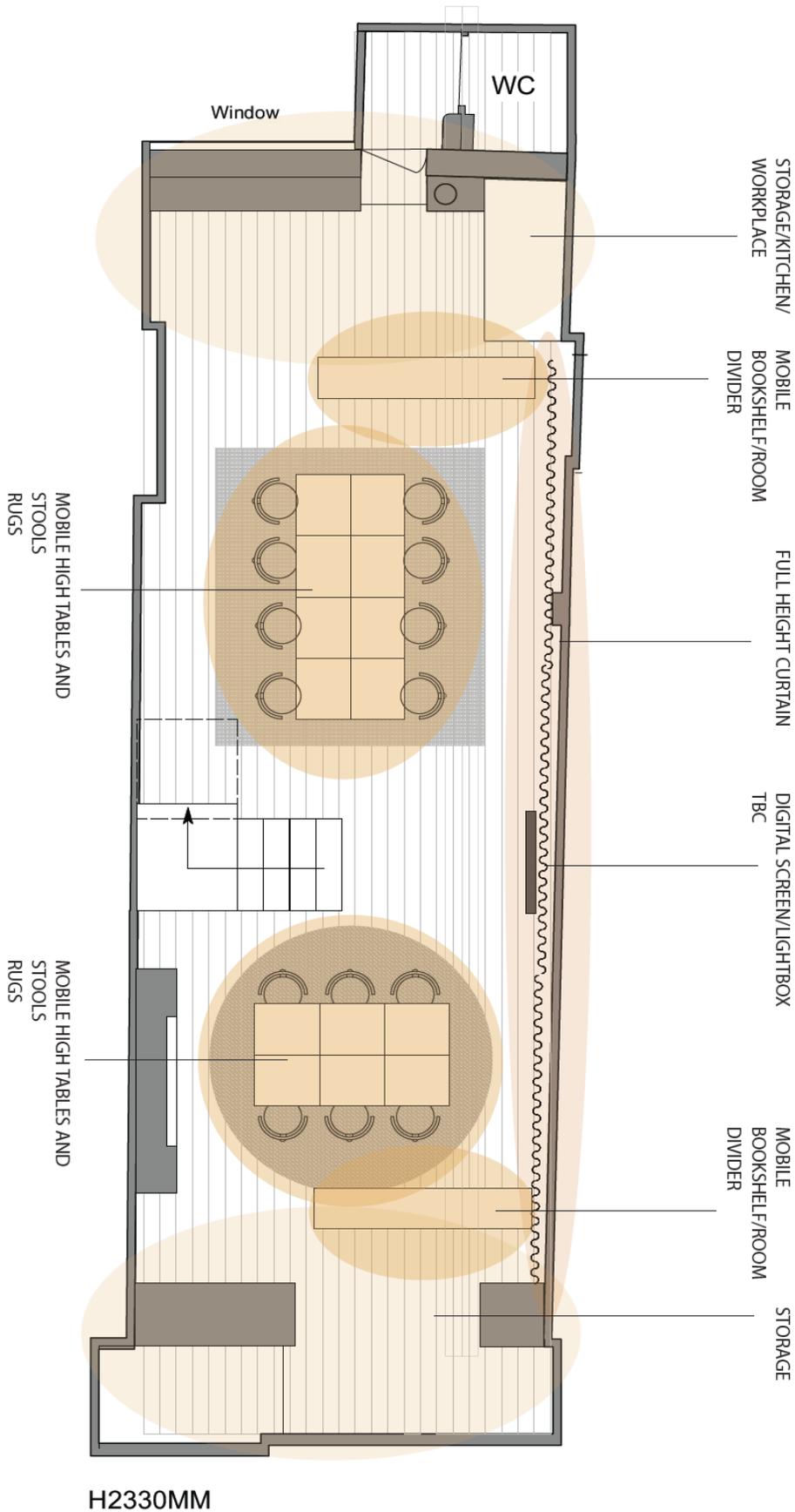
Report author:	Kevin Jackaman
Contact:	Telephone: 020 7641 1095 Email: kjackaman@westminster.gov.uk

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

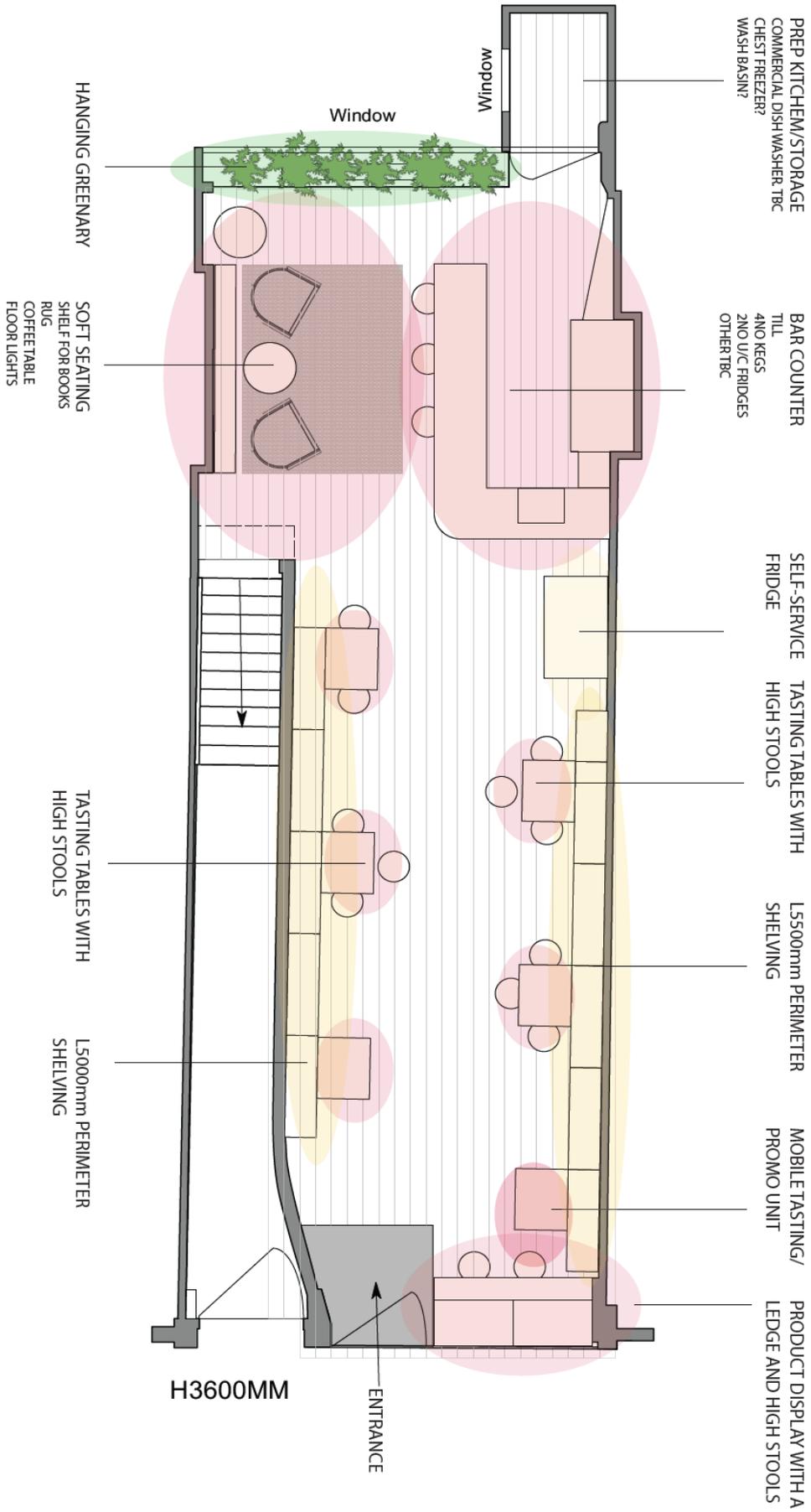
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Heath representation	01 December 2022
5	Interested Party representation (1)	16 November 2022
6	Interested Party representation (2)	28 November 2022
7	Interested Party representation (3)	09 November 2022

PROPOSED GA LAYOUT BASEMENT

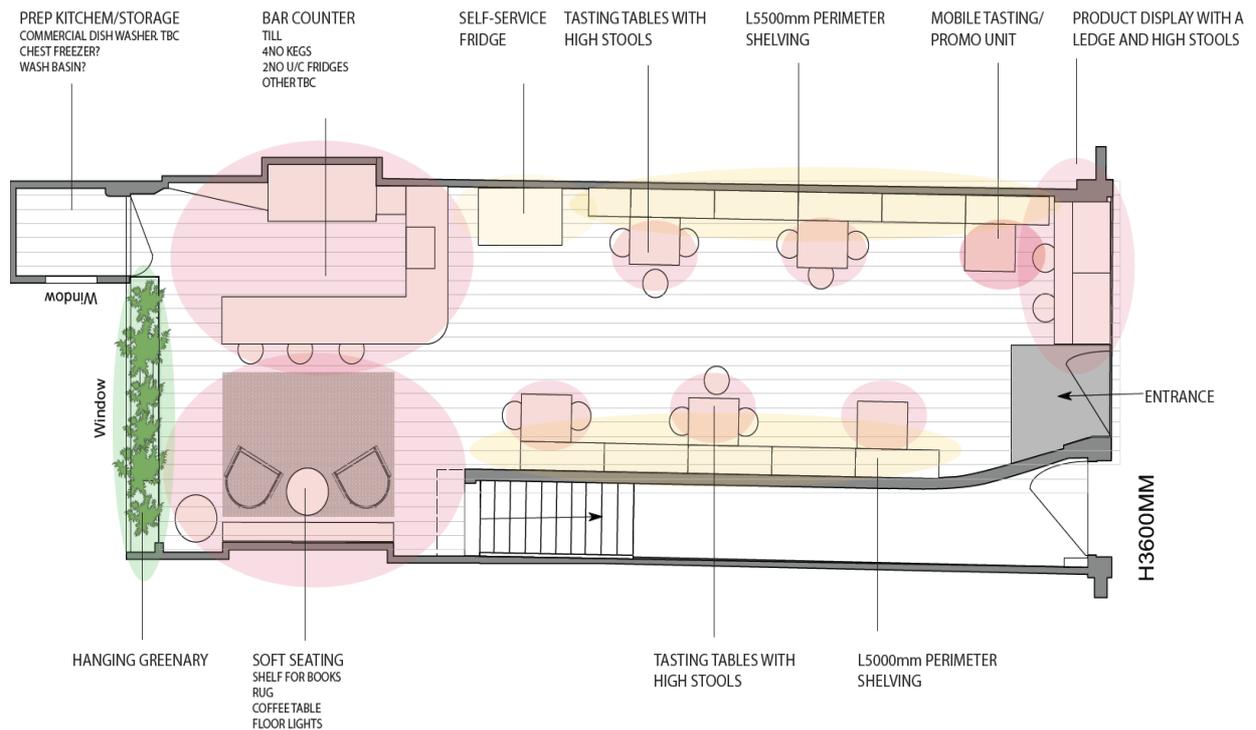


PROPOSED GA LAYOUT GROUND FLOOR

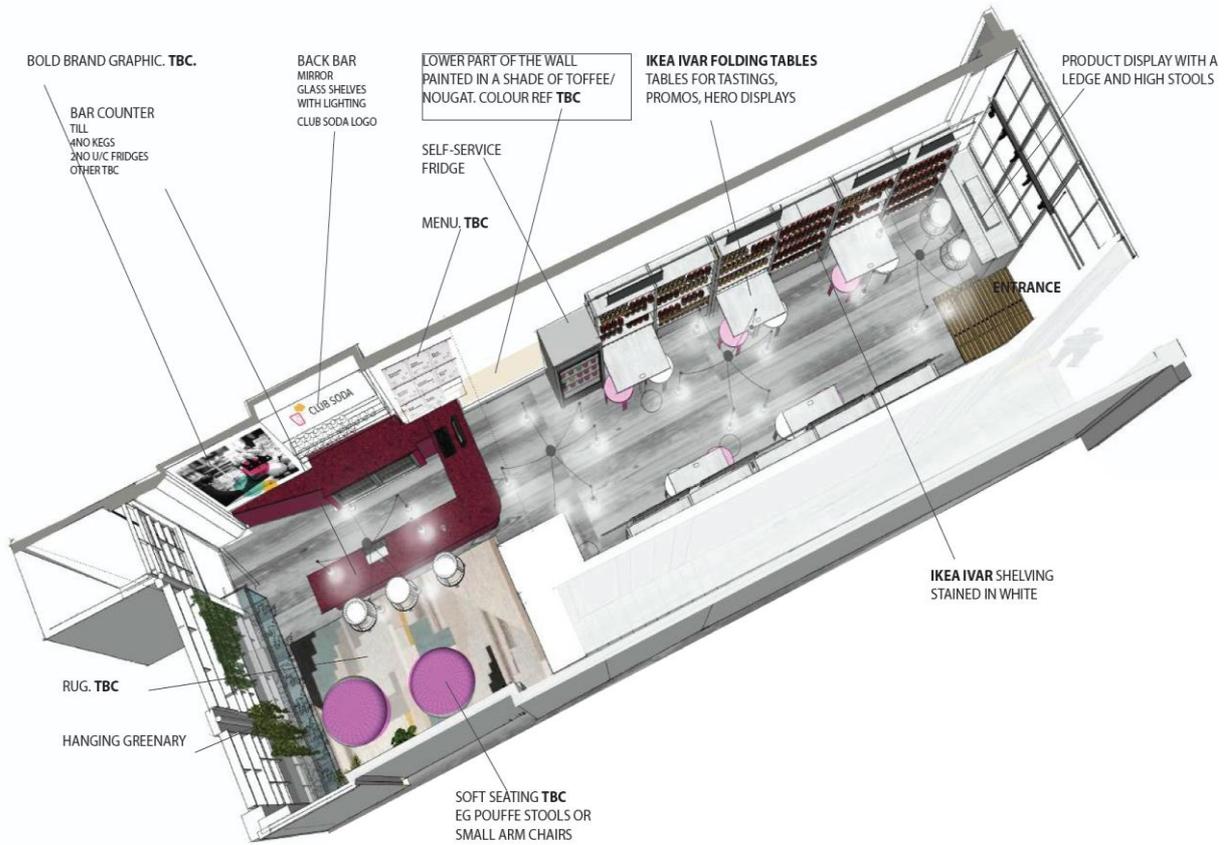




PROPOSED GA LAYOUT GROUND FLOOR



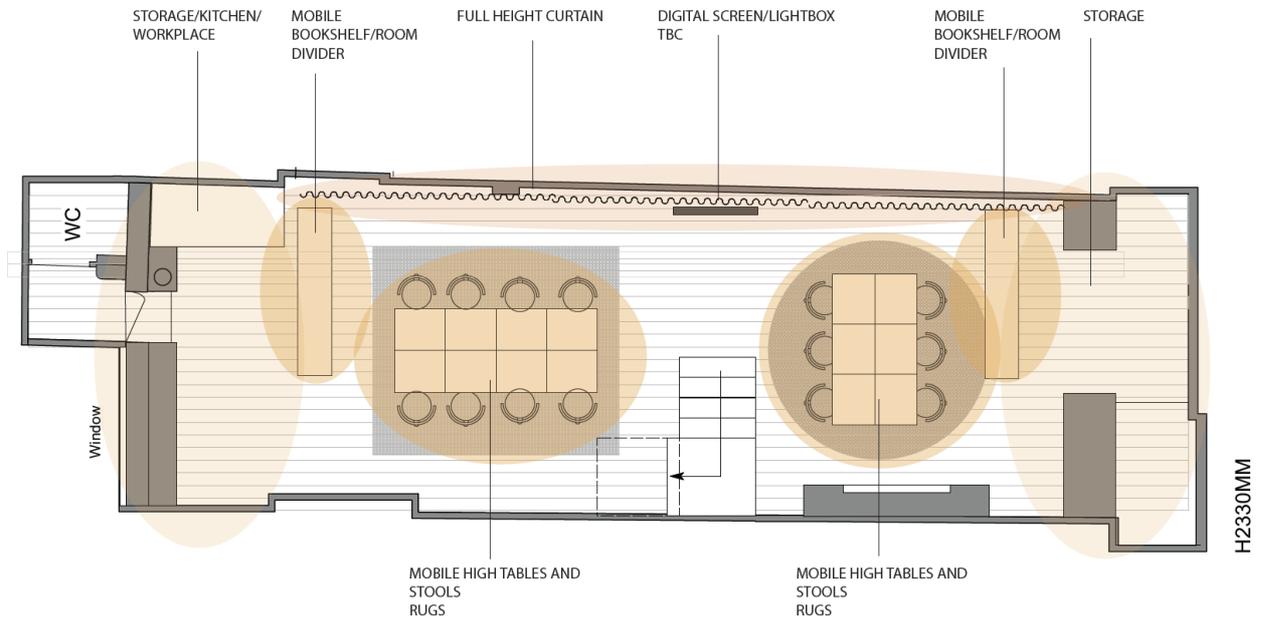
GROUND FLOOR OPTION 2 AXO RIGHT HAND SIDE



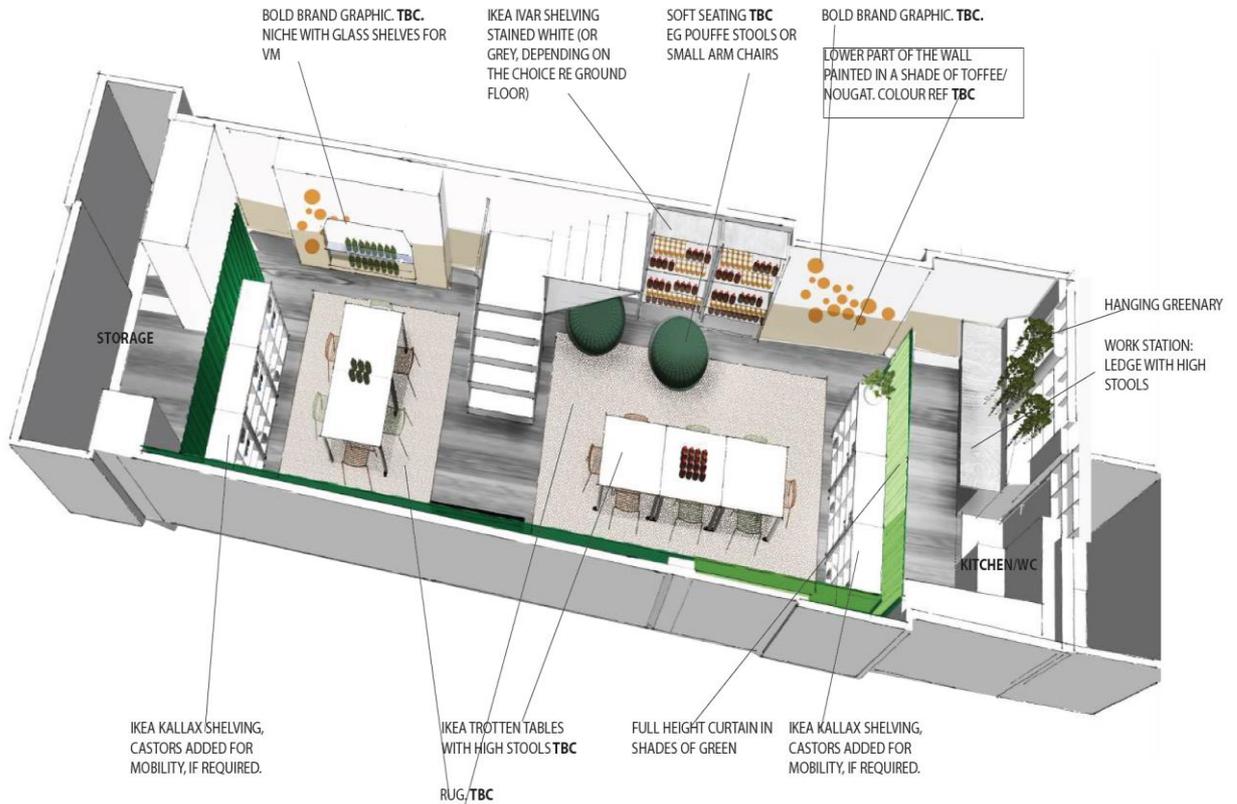
GROUND FLOOR OPTION 2 VIEW FROM THE THRESHOLD



PROPOSED GA LAYOUT BASEMENT



BASEMENT AXO



BASEMENT VIEW TOWARDS THE KITCHEN





What is Club Soda

Club Soda is a social impact business, established since 2015. We are a Certified B Corporation, which means we are committed to social and environmental good, and have a mission lock in our memorandum and articles of association '*to help people drink more mindfully and live well*'. Our creation was supported by Bethnal Green Ventures which is a tech for good accelerator programme.

Since 2015 we have worked tirelessly to help people reduce the amount they drink, whether that is to cut down, stop for a bit or quit. Here are some of our highlights:

- Over 16,000 people have undertaken our online [behaviour change courses](https://change.joinclubsoda.com) (https://change.joinclubsoda.com). Our courses were developed with support from the Wellcome Trust, and we are the winner of the Carnegie Trust's Enabling State Awards, Nesta's New Radicals, and we are a Nesta Good Help Ambassador project. An independent evaluation of our courses' impact is currently being undertaken by Professor Dan Frings and his team at London South Bank University.
- We provide a course on changing drinking free to those in the hospitality sector and drinks industry. This is funded by the charity The Drinks Trust.
- We have run 10 mindful drinking festivals in the UK (and two global online ones during covid) helping people to discover low and alcohol-free drinks to switch to. The biggest were two-day events in 2019 and 2020 at the Truman Brewery, with previous events held at Spitalfields Market and Bermondsey Square.
- We undertook research for Hackney Council in 2015 on how to make pubs more friendly to their non-drinking customers. This led to us working with Hackney and the City of London through their Night Time Economy Levy to build an online guide to the best venues for mindful drinkers - helping us advocate for greater diversity in the Night Time Economy.
- We work with local authorities across the country speaking at events and advising on working with licenced venues.
- We work with universities with activations to help normalise asking for an alcohol-free drink in social settings.

Our pop-up shop in 2022

In December 2021, we opened a pop-up “alcohol-free off-licence” in Westminster on Great Portland Street. We did not have low alcohol in this space as it was designed as a temporary fixture. Over the 3 months of the pop-up, we held workshops and masterclasses for the on-trade and consumers, including cocktail masterclasses, events for sommeliers, and beer tuition from some of the country’s top experts. The space was such a success that we decided to open a permanent venue. The City of Westminster business team and local Business Improvement Districts supported our search for a location.

You can read [our pop-up impact report here](https://clubsoda.me/offy-impact) (https://clubsoda.me/offy-impact).

You can also read an [academic study about the impact of the shop here](https://arrow.tudublin.ie/ejfds/vol2/iss1/3/) (https://arrow.tudublin.ie/ejfds/vol2/iss1/3/).

What is the Club Soda Tasting Room

The space has been designed to build on our learnings from the pop-up. In this space we are currently running for consumers:

- Sampling and sales of alcohol-free drinks. We have over 60 brands and people can try drinks before they buy.
- A bar with 5 permanent and 14 pop-up covers - open until 10pm on a Thursday, Friday, and Saturday.
- Masterclasses and drinks discovery workshops such as Sustainable Cocktails, Alcohol-free wine flights
- A regular change intensive workshop aimed to help people to change their drinking habits
- Alcohol-Free LGBTQI+ night on the first Thursday of the month
- Hosting men’s mental health group Talk Club
- Alcohol-free events for sober communities like Dryy, Sober Club, Sober Dave etc.
- You can see a sample of our January events attached.

This January we are also running an alcohol-free cocktail trail with cocktail bars in the West End to encourage more people to visit the West End in January - without alcohol. You can see more details here.

<https://joinclubsoda.com/event/club-soda-cocktail-trail/>

A key part of our mission is to educate the trade to diversify their offer and stock more low and no alcohol choices, so consumers can easily visit the pub and not drink or to moderate their drinking. This includes:

- Pub, bar and restaurant focused workshops
- Drinks menu consultation for venues
- Sampling sessions for bar teams to try the range of low/no alcohol products
- Hosting events for on-trade mental health and wellness groups, such as So Lets Talk and Healthy Hospo.

Why are we applying for a license?

Mindful drinking is not just about what you drink when you are not drinking alcohol. It is also, for many people, about what you choose to drink if you are drinking alcohol.

The largest number of customers in our Tasting Room would identify as moderate drinkers (and in fact they are the largest market for alcohol-free products in the country).

As well as switching to alcohol-free, we encourage people to reduce the alcohol content of their drinks when they are drinking alcohol.

We also train venues to make lower ABV cocktails, and promote the benefits of serving lower strength beer on tap.

We want a license to sell a small number of lower ABV products, to allow us to showcase new products available for both consumers and venues. Below we will show you an example of what we are likely to stock, and how this would make our bar menu look.

Most importantly, low alcohol drinks will take up less than 1/20th (c. 4%) of the shelf space we have dedicated to drinks. [see attached image]

It is likely to only account for 3 serves on our drinking in menu of over 36 options.

This license will also allow us to run workshops with the on-trade to show them how to make lower strength cocktails.

What is lower alcohol?

Once you get above 0.5%, there are no standard definitions of what is considered low alcohol, and interpretations can depend on the category of drink.

However, we have an agreement with our landlords, the Mercer's Company, on what 'lower' means in our lease. Namely: beers under 3%, wines under 8%, and spirits where the ABV of the final drink when mixed with a mixer will be significantly lower than standard cocktails.

We want to avoid setting a precedent for 39 Drury Lane to be a general licensed premise in the future. Hence, we want to reflect this lower alcohol approach in our licensing application, as we have in our lease.

You can see in the appendix the types of products we want to stock and serve.

Working with Westminster

We would very much welcome the opportunity to work closer with Westminster Council to help you achieve your licensing objectives and to support the night time economy. Research by The Heart of London has shown that visitors to the West End are looking for more activity in the area that is less alcohol-led, and we intend to fill that gap (the signs are good so far!).

In addition, we have plans for the rest of the year to work with local venues on menu development, training, and visitor trails. We can also give all staff working in the hospitality sector in Westminster free access to two courses:

Create a mindful drinking venue

Make your venue inclusive for drinkers and non-drinkers alike. Courses for staff and managers.

<https://clubsoda.me/MDVenues>

Help to drink more mindfully

30 days in-depth learning, tools and community support, free for drinks industry professionals.

clubsoda.me/drinkstrust

The conditions proposed at this meeting

We have 14 covers on the main floor, and occasionally extend to the tables in the basement. So our covers for sitdown drinks and cocktails classes and training are up to 28 people. Very occasionally we run an event with up to 60 people. Events we have had to date with those numbers have been finished by 8pm (people don't stay out so late if they are not drinking alcohol!)

We can implement these conditions without any issues:

1. The sale of alcohol shall be ancillary to the primary use of the premises as a place to educate and inform consumers and professionals regarding low/no alcohol drinks.
2. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 70 persons.
5. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
6. 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 license, passport or proof of age card with the PASS Hologram.
7. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
9. No more than 10% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
11. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
12. 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. 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.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day

17. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.

18. 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.

We will have problems meeting these conditions:

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

We are likely to only have 3 or 4 drinks on our entire menu that have an ABV content above 0.5%. Based on our lease and our policy - mixed drinks will not be able to be served any higher an abv than 1.8%, beer no higher than 3%. As the overwhelming aim of the venue is drinking mindfully, we feel that if people were to want to drink excessively, there are countless far better places in the surrounding area for them to do this. It would be highly unlikely for anyone to be able to become drunk in our premises, as it would also take them a lot longer to get intoxicated, we are also not open late.

As a small business operating on very small margins, the cost of the CCTV and the planning permission required would outweigh the benefits of us having those items on the menu. If the council insists on this condition then we would request to amend our license to be off-sales and training purposes only, and we would not serve any product above 0.5% ABV at the bar.

4. 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 authorized council officer copies of recent

CCTV images or data with the absolute minimum of delay when requested.

As above

8. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.

Can we confirm what you mean by spirit mixtures? Do you mean ready to drink premixed cans? If this is the case that is fine. If you mean no bottles of low strength spirits then we would ask you to review the information you above about what we want to sell and allow us to stock a few lower strength spirits.

10. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV

By not being able to place the low products together – the beers, wine and spirits we lose the educational advantage of showing the consumer that there are now options for them to reduce the amount they drink. In behaviour change terms we feel this would be an own goal.

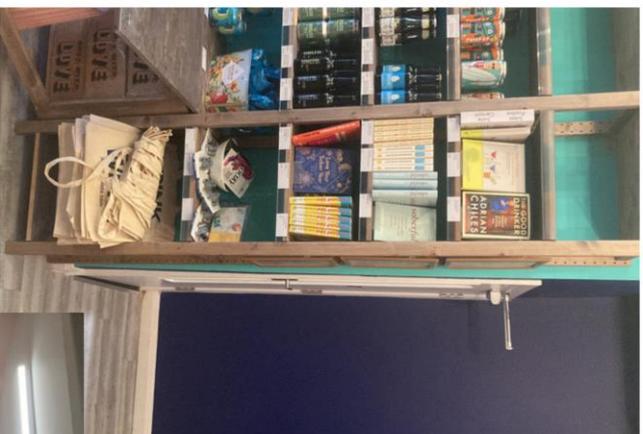
The implications of not granting this license

We would be unable to undertake on-trade training with pubs, bars and restaurants to educate them about lower alcohol products and cocktails they could add onto their menu.

We would be unable to educate the ‘moderating’ consumer about reduced strength drink options for days when they may be drinking but don’t want to drink too much.



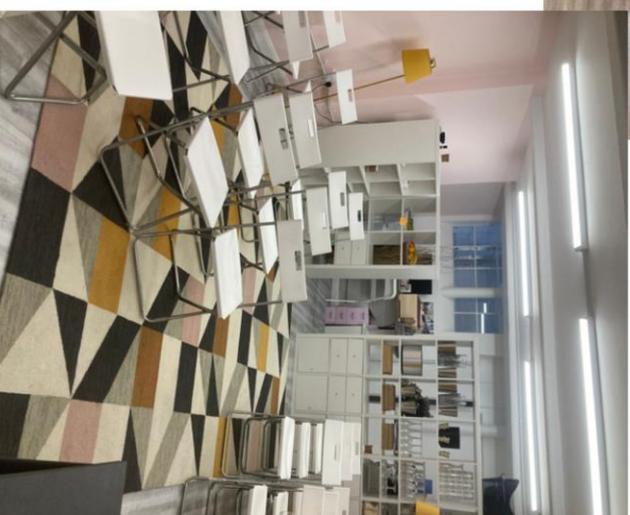
We have 10 shelf units (80cm wide) on the shop floor and a display fridge with alcohol-free drinks for sale. A half width shelf unit (40cm) will have low alcohol drinks on it.



Our speakeasy
 Mainly used for workshops and training. We can take 14 people here for cocktails or drinks.



We have 5 seats at our bar and then the tables (pictured above) flip up to provide seating when we have more people than this. So about 18 people



Some of the products we would like to stock



1.2%



Once mixed with tonic this product comes in at 1.7% compared to 5.7% for a normal single G&T



Once mixed with tonic this product comes in at 1.8% compared to 5.7% for a normal single G&T



Technically we don't need a licence for water kefir as it is designated a soft drink. But it is 1.2% abv.



Once mixed with tonic this product comes in at 0.6% This is a 20cl bottle that retails at £24.99



Once mixed with tonic this product comes in at 0.6% This is a 20cl bottle that retails at £24.99

WHAT'S ON IN CLUB SODA

See all our
weekly online
workshops on
our website

Get your tickets now at joinclubsoda.com/events



Club Soda West End Cocktail Trail

The alcohol-free Cocktail Trail sees 20 Covent Garden and Soho restaurants and bars serving up a series of enticing cocktails. First stop is here ...
1st - 31st January

Online



How to cope when you're craving a drink

Join Club Soda's Dru Jaeger for a deep dive look into cravings.

4th Jan, 8pm - 9pm, £5



Alcohol-free gin flight

Curated and led by our in-house mindful drinking experts, our flights are designed to give you the best possible experience.

8th Jan, 1pm - 2pm, £10
Ticket redeemable against a purchase.



Alcohol-free beer flight

This flight gives you some ideas to start your alcohol-free beer adventure, whether you're looking for hoppy, malty or light & refreshing.

10th Jan, 12.30 - 1.30pm, £10
Ticket redeemable against a purchase



Mood enhancers flight

Mood-enhancing drinks can complement your alcohol-free drinking experience.

13th Jan, 6-7pm, £10
ticket redeemable against a purchase



Club Soda Change Intensive

Want to cut down, take a break or stop drinking? Need a kickstart change? Then the Club Soda Change Intensive is for you.

14th Jan, 10am - 4pm, £120



Sustainable cocktails with Bird at the Bar

An evening of tasting, making and learning about making sustainable alcohol-free cocktails at home.

18th Jan, 7-9, £60



Alcohol-free rum flight

Whether you like your rum dark and neat, or spiced and sweet, we'll help you find your perfect serve.

19th Jan, 12.30 - 1.30pm, £10
Ticket redeemable against a purchase.



Queer Night @ Tasting Room

Third Thursdays are Queer Night. We're here, we're queer, and we're ready to serve you alcohol-free beer!

19th Jan, 6.30-10pm, FREE



Discover alcohol-free wines masterclass

Discover your new favourite alcohol-free wine in this unique and immersive masterclass

20th Jan, 7-9pm, £60



Alcohol-free whisky flight

Find your favourite flavours, or something new with those smoky, woody malty characteristics for those whisky moments.

22nd Jan, 1-2pm, £10
Ticket redeemable against a purchase.



AF Red Wine flight

Whether you love notes of pepperiness and burnt caramel or spicy herbs and juicy red berries we have something here for you.

24th Jan, 5-6pm, £10
Ticket redeemable against a purchase.



Pub Soda - London's only alcohol-free pub quiz

26th Jan, 7-9pm



Sweet-spot Sensations with SENTIA

Immersive, interactive cocktail making masterclass, with SENTIA, leading the way in feel-good, mood-enhancing drinks.

27th Jan, 7-9pm, £45

COCKTAILS

Velvet Asily Everleaf Forest, Anon Bittersweet, Pineapple, Supasawa, 1:1 Syrup, Oat Milk (vg, sulphites)	9.5
Sentia Spagiato SENTIA Red, Fig Infused Lyre's Italian Spritz, ALT Sparkling Rosé (vg, gf, liqueur, sulphites)*	9.5
Crodino Spritz Italian non-alcoholic Aperitivo (vg, gf)	7.0
Marine Mimosa Everleaf Marine, Clementine, Thomson & Scott Naughty Sparkling Chardonnay (vg, gf, sulphites)	8.5
Sentia & Sensibility SENTIA, Double Dutch Bloody Mary Soda, agave (vg, gf, liqueur)*	9.0
Alpenglow Everleaf Mountain, ALT Sparkling Organic Rosé (vg, gf, sulphites)	9.0
Everleaf Forest Spritz Everleaf Forest, Double Dutch Indian Tonic (vg, gf, sulphites)	8.5
Smells Like Marine Spritz Everleaf Marine, Double Dutch Indian Tonic (vg, gf, sulphites)	8.5
Sweet Little Lyre's Lyre's Amaretto, Aquataba, Supasawa, ATB 0% Aromatic, 1:1 Syrup (vg, gf)	9.0
When Life Gives You Melons Caleño Light & Zesty, Watermelon, Supasawa, Agave, Mint (vg, gf)	9.0
Smile Like You Mead It Three Spirit Nightcap*, Bemuse Ginger & Cardamom Mead, ATB 0% Aromatic, Agave (gf)	9.5
Smile Like You Mead It Three Spirit Nightcap*, Bemuse Ginger & Cardamom Mead, ATB 0% Aromatic, Agave (gf)	9.5
SMIDGIN & DOUBLE DUTCH TONIC (0.0%, gf)	8.5
HAYMANS LONDON LIGHT & DOUBLE DUTCH TONIC (1.8%, gf)	8.5



WINE

Sparkling				
French Bloom Le Blanc, France 0%, vg, <i>halal</i>	125ml	175ml	Btl	45
Thomson & Scott Naughty AF Sparkling, Spain Chardonnay, 0%, vg, sulphites, <i>halal</i>	5.0			20
French Bloom Le Rosé, France 0%, vg, <i>halal</i>	9.0			50
ALT Sparkling Organic Rosé, Spain Tempranillo, 0%, vg, <i>gf</i>	5.0			20
REAL Royal Flush, Aylesbury, England Sparkling Dandelion Tea, 0%, vg	5.0			22
White				
Oddbird Low Intervention Organic White No 1, Veneto, Italy Garganega & Vespolato, 0%, vg	125ml	175ml	Btl	26
Oddbird Domaine De La Prade Chardonnay, Languedoc, France Chardonnay, 0%, vg	5.0	6.5	22	
Zeno White, Spain Viura, sulphites, 0.5%, vg	5.0	6.5	26	
Rose				
Cognato Rosé, South Africa Sulphites, 0.5%, vg	125ml	175ml	Btl	20
Red				
Oddbird Domaine De La Prade Organic, Languedoc, France Merlot & Shiraz, 0%, vg	125ml	175ml	Btl	26
Thomson & Scott Naughty, Rouge, Spain Syrah, 0%, vg	5.0	6.5	22	
Cognato Red, South Africa Cinsault, Cabernet Sauvignon, 0.5%, vg	5.0	6.5	22	

*As SENTIA and Three Spirit are classified a 'food supplement', it is recommended you do not consume this product if you are on medication, pregnant or breastfeeding, for SENTIA do not exceed 200ml in any 24 hour period.

BEEER & MEAD

	Pint	330ml	
Lucky Saint Alcohol Free, Bavaria, Germany <i>0.5%, gf</i>	5.5	3.0 (half)	
Big Drop Co Paradiso Citra IPA, Ipswich, England <i>0.5%</i>	5.5	2.75 (half)	
Big Drop Co Galactic Milk Stout, Ipswich, England <i>0.5%, gf</i>		4.0	
Big Drop Co Woodcutter Brown Ale, Ipswich, England <i>0.5%, gf</i>		4.0	
Big Drop Co Reef Point Lager, Ipswich, England <i>0.5%, gf</i>		4.0	
Big Drop Poolside DDH IPA, Ipswich, England <i>0.5%, gf</i>		4.0	
Small Beer Lager, London, England <i>2.1%</i>		4.0	Low Alcohol
Bennuse Hops Infused Sparkling Mead (Wild Raspberry), England <i>0.5%, gf</i>		4.0	
Bennuse Hops Infused Sparkling Mead (Ginger & Cardamom), England <i>0.5%, gf</i>		4.0	

PERFECT SERVES

All spirits on the bar menu available as a simple serve with Double Dutch and their tonics and sodas are perfect to sip solo.

Indian Tonic Water, Skinny Tonic Water	
Cucumber & Watermelon, Soda Water	
Margarita with Chilli Soda, Pink Grapefruit Soda	
Bloody Mary Soda, Ginger Ale	2.8
Square Root Cola	4.0
Gusto Sicilian Lemon with Yuzu	4.0
Rebelious Pink Lemonade with 15mg CBD	5.0



*A fabulous
drinks menu*

joinclubsoda.com
@joinclubsoda

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions proposed by Environmental Health and Interested Party and agreed by the applicant so as to form part of the operating schedule.

9. The sale of alcohol shall be ancillary to the primary use of the premises as a place to educate and inform consumers and professionals regarding low/no alcohol drinks.

10. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 70 persons.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
12. 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.
13. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
14. No more than 10% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. 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.
19. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Conditions proposed by Interested Party and agreed by the applicant so as to form part of the operating schedule

20. Products containing alcohol will form no more than 20% of sales at the premises
21. Products of more than 10% ABV will be no more than 5% of sales at the premises
22. No deliveries to the premises shall take place between 20:00 and 08.00 on the following day

23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08:00 hours on the following day.

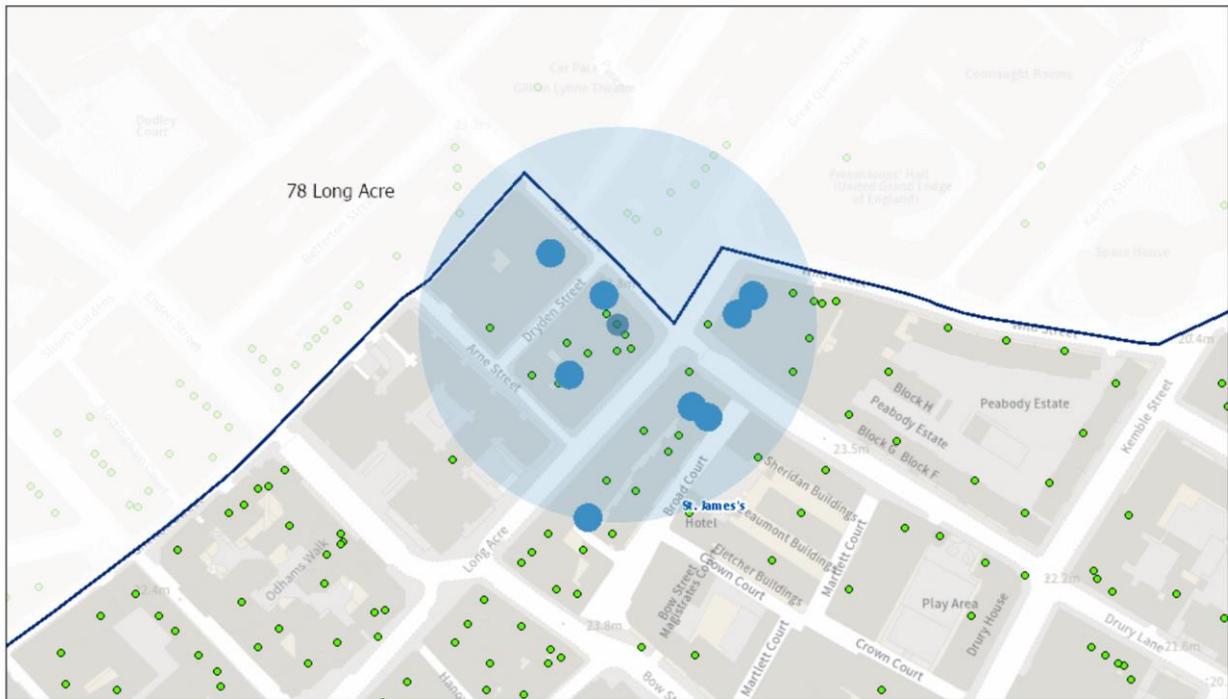
Conditions proposed by Environmental Health and not agreed by the applicant.

25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
26. 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.
27. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.
28. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV

Conditions proposed by the Police

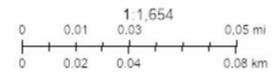
None

39 Dury Lane



11/01/2023, 12:50:38

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



Licensed premises within 75m of 39 Dury Lane, London, WC2B 5RR				
Licence Number	Trading Name	Address	Premises Type	Time Period
12/10740/LIPDPS	Lowlander Grand Cafe	36 Drury Lane London WC2B 5RR	Public house or pub restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/10520/LIPDPS	Freemasons Arms Public House	81 - 82 Long Acre London WC2E 9NG	Public house or pub restaurant	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00

17/14798/LIPN	Not Recorded	30 - 35 Drury Lane London WC2B 5RH	Shop	Monday; 06:00 - 00:00 Tuesday; 06:00 - 00:00 Wednesday; 06:00 - 00:00 Thursday; 06:00 - 00:00 Friday; 06:00 - 00:00 Saturday; 06:00 - 00:00 Sunday; 06:00 - 00:00
21/08911/LIPN	Not Recorded	42 Drury Lane London WC2B 5RT	Not Recorded	Monday; 08:00 - 23:30 Tuesday; 08:00 - 23:30 Wednesday; 08:00 - 23:30 Thursday; 08:00 - 23:30 Friday; 08:00 - 23:30 Saturday; 08:00 - 23:30 Sunday; 10:00 - 22:30
22/03249/LIPDPS	Prince Of Wales Public House	150 - 151 Drury Lane London WC2B 5TD	Public house or pub restaurant	Sunday; 07:00 - 22:50 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 23:30
15/04754/LIPV	Barrafina	Basement And Ground Floor 43 Drury Lane London WC2B 5RT	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/11169/LIPN	Not Recorded	45 Great Queen Street London WC2B 5AA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
18/04072/LIPVM	Margot Restaurant	45 Great Queen Street London WC2B 5AA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30

22/06163/LIPDPS	Sun Tavern	66 Long Acre London WC2E 9JD	Public house or pub restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
-----------------	------------	------------------------------------	-----------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------