



City of Westminster

# Committee Agenda

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

Meeting Date: **Thursday 4 May 2023**

Time: **10.00 am**

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

Members: **Councillors:**

Robert Eagleton (Chair)  
Angela Piddock  
Caroline Sargent

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

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am.

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

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

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

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

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

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

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

#### Licensing Applications for Determination

#### 1. AMICI, BASEMENT, 187 WARDOUR STREET, W1F 8ZB

(Pages 1 - 48)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  * West End  ** None	AMICI Basement 187 Wardour Street W1F 8ZB	Premises Licence Variation	23/00460/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

**2. BASEMENT AND GROUND FLOOR, 10 GOLDEN SQUARE, W1F 9JA**

**(Pages 49 - 90)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  * West End  ** None	Basement and Ground Floor 10 Golden Square W1F 9JA	New Premises Licence	23/00796/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**3. AL- SULTAN RESTAURANT, 51-52 HERTFORD STREET, W1J 7ST**

**(Pages 91 - 132)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  * None  ** None	Al-Sultan Restaurant 51-52 Hertford Street W1J 7ST	Premises Licence Variation	23/01200/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

**4. 43 WARWICK WAY, SW1V 1QS**

**(Pages 133 -  
154)**

<b>Ward CIA* SCZ**</b>	<b>Site Name &amp; Address</b>	<b>Application Type</b>	<b>Licensing Reference No.</b>
Pimlico North  * None  ** Victoria	43 Warwick Way SW1V 1QS	New Premises Licence	23/00523/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love  
Chief Executive  
26 April 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



City of Westminster

Item No:	
Date:	04 May 2023
Licensing Ref No:	23/00460/LIPV - Premises Licence Variation
Title of Report:	AMICI Basement 187 Wardour Street London W1F 8ZB
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:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	26 January 2023		
<b>Applicant:</b>	Caprice London Ltd		
<b>Premises:</b>	AMICI		
<b>Premises address:</b>	Basement 187 Wardour Street London W1F 8ZB	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End Cumulative Impact Zone
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises currently operates as a restaurant and lounge.		
<b>Variation description:</b>	<p>This application seeks the following:</p> <ol style="list-style-type: none"> <li>1. To extend the permitted hours for retail sale of alcohol, late night refreshment and recorded music on Thursdays from 23.30 to 02.00 and Friday to Saturday extend from 00:00 to 02:00.</li> <li>2. To add live music as a licensable activity from 23.00 to 02.00 Thursday to Saturday.</li> <li>3. Reduce the capacity of the premises overall from 95 to 70 persons.</li> <li>3. To vary, update and add conditions as detailed in section 1.D below.</li> </ol> <p>There will be no change to permissions Sunday to Wednesday and no change to the restaurant conditions.</p>		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2010. The current premises licence (21/14479/LIPDPS) can be viewed at <b>Appendix 3</b> of this report along with the premises licence history.		
<b>Applicant submissions:</b>	The applicant has provided a summary of the proposed variation and addressed the council's statement of licensing policy. This can be found at <b>Appendix 2</b> of this report along with a dispersal policy for the premises.		
<b>Applicant amendments:</b>	None.		



<b>1-B</b>	<b>Current and proposed licensable activities, areas and hours</b>					
<b>Regulated Entertainment</b>						
<b>Playing of Recorded Music (Indoors)</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	11:00	23:30	No change is being sought.		Lower ground as detailed in plan annexed to the premises licence.	No Change.
<b>Tuesday</b>	11:00	23:30				
<b>Wednesday</b>	11:00	23:30				
<b>Thursday</b>	11:00	23:30	11:00	02:00		
<b>Friday</b>	11:00	00:00	11:00	02:00		
<b>Saturday</b>	11:00	00:00	11:00	02:00		
<b>Sunday</b>	12:00	22:30	No change			
<b>Seasonal Variations / Non-standard timings:</b>	<b>Current:</b>					<b>Proposed:</b>
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No change.

<b>Performance of live music (indoors)</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	This licensable activity is not on the current licence.		N/A		Lower ground as detailed in plan annexed to the premises licence.	No Change.
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>			23:00	02:00		
<b>Friday</b>			23:00	02:00		
<b>Saturday</b>			23:00	02:00		
<b>Sunday</b>			N/A			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					<b>Proposed:</b>
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No Change.

<b>Provision of facilities for Dancing</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	11:00	23:30	No change is being sought.		Lower ground as detailed in plan annexed to the premises licence.	No Change.
<b>Tuesday</b>	11:00	23:30				
<b>Wednesday</b>	11:00	23:30				
<b>Thursday</b>	11:00	23:30				
<b>Friday</b>	11:00	00:00				
<b>Saturday</b>	11:00	00:00				
<b>Sunday</b>	12:00	22:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					<b>Proposed:</b>
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No Change.

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change is being sought		Lower ground as detailed in plan annexed to the premises licence.	No Change.
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30	23:00	02:00		
Friday	23:00	00:00	23:00	02:00		
Saturday	23:00	00:00	23:00	02:00		
Sunday	N/A	N/A	N/A	N/A		
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No Change.

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On Sales		On Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:30	No change is being sought		Lower ground as detailed in plan annexed to the premises licence.	No Change.
Tuesday	11:00	23:30				
Wednesday	11:00	23:30				
Thursday	11:00	23:30	11:00	02:00		
Friday	11:00	00:00	11:00	02:00		
Saturday	11:00	00:00	11:00	02:00		
Sunday	12:00	22:30	No change			
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					No Change.

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	00:00	No change is being sought		Lower ground as detailed in plan annexed to the premises licence.	No Change.
Tuesday	11:00	00:00				
Wednesday	11:00	00:00				
Thursday	11:00	00:00	11:00	02:15		
Friday	11:00	00:30	11:00	02:15		
Saturday	11:00	00:30	11:00	02:15		
Sunday	12:00	23:00	No change			
Seasonal variations/ Non-standard timings:	Current:					Proposed:
	On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day. (This is existing condition 30)					

<b>1-C</b>	<b>Layout alteration</b>
There is no layout alteration being sought.	

<b>1-D</b>	<b>Conditions being varied, added or removed.</b>	
	<b>Condition</b>	<b>Proposed variation</b>
	<p>Current condition 12. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p>	<p>12 (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.</p> <p>12 (b) 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.</p>
	<p>Amend condition 25 “The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 95 persons.”</p>	<p>“The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons.”</p>
<b>Add the following Conditions:</b>		
	<p>1. After 23.30 Thurs and midnight Fri and Sat the capacity of the premises shall not exceed 40 persons (excluding staff)</p>	
	<p>2. After 23.30 Thurs and midnight Fri and Sat alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.</p>	

<p>3. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.</p>		
<p>4. 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.</p>		
<p>5. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises</p>		
<p>6. 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.</p>		
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	None	No change

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Tom Stewart
<b>Received:</b>	03 February 2023

Dear Westminster Licensing Service,

**Re: 23/00460/LIPV - AMICI, Basement 187 Wardour Street W1F 8ZB**

Cc - [iana@lflaw.co.uk](mailto:iana@lflaw.co.uk), [kjackaman@westminster.gov.uk](mailto:kjackaman@westminster.gov.uk), [mkoduah@westminster.gov.uk](mailto:mkoduah@westminster.gov.uk), [idonovan@westminster.gov.uk](mailto:idonovan@westminster.gov.uk)

I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Commissioner") to make representations opposing the granting of the variation application for **AMICI, Basement 187 Wardour Street W1F 8ZB.**

The applicant seeks the following:

1. Extend permitted hours for retail sale of alcohol, late night refreshment and recorded music on Thursday from 23.30 to 02.00 and Fri/Sat from midnight to 2am.
2. Add live music as a licensable activity from 23.00 to 02.00 Thurs-Sat
3. Reduce capacity of premises overall from 95 to 70 persons
4. Vary, update and add conditions

In respect of the proposed extension of licensable activities on Thursday from 23.30 to 02.00 and Fri/Sat from midnight to 2am (Point 1 above), the Metropolitan Police Service ("The Police") submit that if granted, this variation would undermine the licensing objective: **the prevention of crime and disorder.**

The police have taken into consideration the additional conditions offered by the applicant, however the police are not satisfied that these conditions will mitigate the impact of the extension of licensable activities on the licencing objectives. The premises is located within the West End Cumulative Impact Zone ("CIZ") and as such it is Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for such premises.

Paragraph D16 of the SLP states "*The Licensing Authority's policy, in relation to the West End Cumulative Impact Zone, **is directed at the global and cumulative effects of licences on the area as a whole** (my emphasis). Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the West End Cumulative Impact Zone policy to refuse certain types of applications must be for **genuinely exceptional reasons** (my emphasis)*". It is the police's submission that the underlying reasons for the having the policy is due to the significant levels of crime, disorder and anti-social behaviour within the West End. Current levels of alcohol related assaults, sexual assaults and robberies are higher now than they were when the Cumulative Impact Assessment was undertaken in 2020. The peak times of these crimes are 00:00 to 5am Friday to Saturday (trading days). If the variation were to be granted, the effect would be to increase the number of potentially intoxicated people in the West End at a time when crime levels are at a peak.

The police submit that the application does not demonstrate exceptional circumstances nor does it show how the proposed operation will not adversely affect the licensing objectives, in particular the prevention of crime and disorder.

If the applicant would like to discuss my representation further, I can be contacted on the details below.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	08 February 2023

**AMICI, Basement, 187 Wardour Street, London, W1F 8ZB**

I refer to the variation application for the above-mentioned premises. The premises is located within the West End Cumulative Impact Area. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2021.

Applicant is seeking the following changes:

1. Add the performance of live music indoors at the following times:
  - I. Thursday to Saturday 11:00 to 02:00 hours
  - II. Christmas Eve to Christmas Day: 11:00 to 05:30 hours
  - III. New Year's Eve to New Year: 11:00 – 05:0 hours
2. Extend the hours to play recorded to the following hours:
  - I. Thursday to Saturday 11:00 to 02:00 hours
  - II. Christmas Eve to Christmas Day: 11:00 to 05:30 hours
  - III. New Year's Eve to New Year: 11:00 – 05:0 hours
3. Extend the hours to provide late night refreshment indoors to the following hours:
  - I. Thursday to Saturday 23:00 to 02:00 hours
  - II. Christmas Eve to Christmas Day: 23:00 to 05:30 hours
  - III. New Year's Eve to New Year: 23:00 – 05:0 hours
4. Extend the hours for the supply of alcohol for consumption on the premises to the following hours:
  - I. Thursday to Saturday 11:00 to 02:00 hours
  - II. Christmas Eve to Christmas Day: 11:00 to 05:30 hours
  - III. New Year's Eve to New Year: 11:00 – 05:0 hours
5. Reduce the number of persons permitted in the premises at any one time from 95 to 70 persons excluding staff
6. Replace condition 12 with model condition MC01 and MC02
7. **Apply the following additional conditions:**
  - I. After 23:30 hours on Thursday and midnight on Friday and Saturday, the capacity of the premises shall not exceed 40 persons (excluding staff)
  - II. After 23:30 hours on Thursday and midnight on Friday and Saturday, alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
  - III. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council
  - IV. 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

- V. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- VI. 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.
- VII. After 23:30 hours on Thursday and midnight on Friday and Saturday when the private club is operating that night, there shall be a minimum of 1 SIA licensed door supervisors on duty until close.
- VIII. The consumption of alcohol shall only be to seated customers.
- IX. There shall be no new entries or re-entries after 01:00 hours Thursday to Saturday (trading days)
- X. After 23:00 hours Thursday, Friday & Saturday, there shall be a personal licence holder on duty at the premises whilst it is trading.

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

1. Adding performance of live music would have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area
2. Extending the hours to play recorded music would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the West End Cumulative Impact Area
3. Extending the hours for provision of late-night refreshment would have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area
4. Extending the hours to supply alcohol would have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area
5. No objection
6. No objection
7. No objection

Please contact me if you wish to discuss the above further.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Miss Jessica Donovan
<b>Received:</b>	22 February 2023

Dear Sirs

I write in relation to the application submitted for a variation of the premises licence for AMICI, Basement, 187 Wardour Street, London, W1F 8ZB.

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

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

The application seeks the following variations:

1. To extend the permitted hours for Retail Sale of Alcohol, Late Night Refreshment and Recorded Music on Thursday from 23.30 to 02.00 and Friday and Saturday from midnight to 2am.
2. To add live music as a licensable activity from 23.00 to 02.00 Thursday-Saturday.
3. To reduce capacity of premises overall from 95 to 70 persons.
3. To vary, update and add conditions.

The premises is located within the West End Cumulative Impact Zone and as such, a number of policy points must be considered namely CIP1, HRS1 and RNT1.

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.

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 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.



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.

It is noted that proposed hours for licensable activities fall outside of Westminster's core hours for a restaurant and therefore are a contrary to policy.

The Core hours for restaurants are:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

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

The Licensing Authority raises concerns with the increase of hours and how this increase in the terminal hour will add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1 and HRS1.

1. Does the applicant have a Dispersal Policy? If so, please provide a copy and
2. What provisions will be in place to mitigate any possible issues regarding noise and nuisance if the later terminal hour was granted?

The Licensing Authority encourages the applicant to provide further submission as how this increase will not add to cumulative impact in the West End cumulative impact zone.

Paragraph D16 states, The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1.

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

Please accept this as a formal representation.

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	31 January 2023		
<p>Dear Licensing Team, I would like to make a representation about application 23/00460/LIPV, address: 187 Wardour Street. I live just across from this address at [REDACTED], which is a residential building. If the proposal were for a restaurant I would not mind, however it seems it is for a nightclub, with final entry at 1AM and closing at 2AM (Thur-Sat). It will probably be quite noisy up until this point, similar to Simmons (a night club) which is one street up and has a queue and shouting until closing. Luckily, we are a small distance away and so this does not impact us too much, however, if a similar nightclub were to open across the street from us, I imagine it would disturb our daily life and sleep (especially for those in the building with children).</p> <p>Thanks for your consideration, [REDACTED]</p>			
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	01 February 2023		
<p>It would be advantageous to extend the doorman's hours to ensure that rather merry club goes leave quickly and quietly rather than standing around having noisy banter before roaring off at top speed as they do currently. The chauffeur driven cars should arrive and switch engines off while they wait rather than engines pumping out pollution as the cars idle for often long periods. Thank you.</p>			
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	04 February 2023		
<p>I live in [REDACTED], which is next to the proposed development. I object the proposal for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The extended hours they seek are contrary to the Council's Licensing Policy of only granting such applications in exceptional circumstances (for bars) and only granting if it can be demonstrated that they will not add to existing problems (for restaurants). It seems that the applicant will say that they are a restaurant and will be through the extended hours. Whether</li> </ol>			

this is in fact the case is highly debatable.

2. The proposed alteration will further create noise problem in the neighbourhood. The condition 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance' on the current license has been breached numerous times.

3. The application is contrary to Council's 'cumulative impact' policies and the proposed mitigation is totally insufficient.

4. In particular, the application does not address dispersal sufficiency or at all. The issues detailed above lead to my objection to this application.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	7 February 2023		

To Whom it may Concern:

I received a notice in the post regarding extending hours "for retail sale of alcohol, late night refreshment and recorded music" at Amici, a premises [REDACTED]. Amici is located at 187 Wardour Street.

The Application is for extending hours on Thursday, Friday and Saturday from 11:30PM to 2:00AM.

I note that the extended hours are sought for a range of activities: for retail sale of alcohol, late night refreshment and recorded music on Thursday from 11.30PM to 02.00AM and Fri/Sat from midnight to 2AM.

I also note that the applicant wishes to add live music to the same hours. I wish to object to this application chiefly on the grounds of 'prevention of public nuisance', although the 'prevention of crime and disorder' may come into play too.

I have already filed noise complaints with the Council regarding this venue. The venue plays loud music with the doors open and regularly affects my ability to sleep. It seems that the condition on the current licence The condition 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance' on the current licence is being breached. They also breach the conditions of their existing license by keeping the doors to the venue open and playing music in the lobby. This is prohibited by their current license but they do not observe these conditions. Significantly extending hours into the early hours of the morning will be detrimental to the numerous residential dwellings in the area. I have double glazing which does not keep the sound out and it will be intolerable in the warmer months. We already have the issue of people urinating in our entrance from surround late night bars.

Although the proposal is also to reduce the capacity slightly, this can in no way ameliorate the issues I currently experience with this premises, which would undoubtedly increase in frequency and impact should this application be granted. I am aware that the applicant has proposed a number of other changes to the conditions.

Although there would be no changes to the 'restaurant' condition, I question how in fact this can be complied with during the extended hours sought. Although the applicant may point to the capacity 'reducing' to 40, it is of course an increase from 0 to 40 after current hours. Neither do I draw any comfort from the proposal to restrict the extended hours to being a private members club and guests. Apart from anything else, how is this change in operation managed between

current hours and extended hours?

It seems to me that this application is contrary to the Council's licensing policy but even setting this aside, there will be an unacceptable impact on specific residents adjacent to this premises should the extended hours be permitted.

Please let me know that this has been received and will be considered. I feel very strongly about this. I look forward to receiving notice of hearing in due course, as I would wish to attend and/or be represented.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	8 February 2023		

To Whom it may Concern:

We have received a notice regarding extending hours "for retail sale of alcohol, late night refreshment and recorded music" at Amici, located at 187 Wardour Street.

[REDACTED]  
[REDACTED]

The Application is for extending hours on Thursday, Friday, and Saturday from 11:30PM to 2:00AM.

We note that the extended hours are sought for a range of activities: for retail sale of alcohol, late night refreshment and recorded music on Thursday from 23.30 to 02.00 and Fri/Sat from midnight to 2Am. The applicant wishes to add live music to the same hours.

[REDACTED], we wish to object to this application chiefly on the grounds of 'prevention of public nuisance', although the 'prevention of crime and disorder' may come into play too.

It has been mentioned to us that neighbours and occupiers of the building have already filed noise complaints with the Council regarding this venue. The venue plays loud music with the doors open and regularly effects the peace and quiet in the area. It seems that the condition on the current license 'No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance' on the current license is being breached.

Significantly extending hours into the early hours of the morning will be detrimental to the numerous residential dwellings in the area. We already have the issue of people urinating in the entrance to the building from surrounding late night bars.

Although the proposal is also to reduce the capacity slightly, this can in no way ameliorate the issues we currently experience with this premises, which would undoubtedly increase in frequency and impact should this application be granted.

We are aware that the applicant has proposed several other changes to the conditions. Although there would be no changes to the 'restaurant' condition, we question how in fact this can be complied with during the extended hours sought. Although the applicant may point to the capacity 'reducing' to 40, it is of course an increase from 0 to 40 after current hours. Neither do we draw any comfort from the proposal to restrict the extended hours to being a private members club and guests. Apart from anything else, how is this change in operation managed between current hours and extended hours?

It seems to us that this application is contrary to the Council's licensing policy but even setting this aside, there will be an unacceptable impact on specific residents adjacent to this premises should the extended hours be permitted.

We sincerely request that this objection is considered.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	10 February 2023		

To Whom it may concern,

[REDACTED] represent the leaseholders of 9 properties in Paramount House, a building located adjacent to the venue seeking an extension to its licencing and opening hours.

We object in the strongest possible terms, primarily on the grounds of 'prevention of public nuisance' but also from a 'prevention of crime and disorder' stand point.

Complaints against the venue have been filed numerous times. The tenants in the building complain of loud music coming from the venue, often because the doors are left open. As we understand the current license states that 'no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to nuisance', given they breach this and other licence conditions such as keeping the doors shut it seems unreasonable to grant a further licence.

Any extension to the operating hours of this venue into the early hours will likely be hugely detrimental to any and all residential dwellings in the local. Despite the flats in Paramount House having double glazing, music and people can still be heard. The warmer months present an increased problem since it will then not be possible to keep windows shut all night. The increase in people into the early hours of the morning also present the problem of unsavoury behaviour. It is a regular occurrence that the management of Paramount House have to watch urine and vomit off the doors and front area of the building. Extending this licence would only further exasperate the problem.

We would also like to point out that although the application from Amici states that there would be a reduced capacity to 40, it can hardly be seen as a reduction since at the moment there are 0 occupants allowed at the proposed hours, therefore it is actually an increase of 40 people. Any extension to this venues operating hours would have a significant and unacceptable impact on residents adjacent to this premises. The application also seems to us to be in direct contravention to the Councils cumulative impact policies.

For the sake of good order, this email is on behalf of the leaseholders of flats:

Flat 1, Flat 3, Flat 5, Flat 8, Flat 10, Flat 11, Flat 12, Flat 13 and Flat 14, 168 Wardour Street, London, W1F 8ZX

Please confirm by return that this objection will be counted nine times as per the representation.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	22 February 2023		

We write to make a relevant representation to the above application on behalf of [REDACTED]

[REDACTED] 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 Premises Variation** To extend the permitted hours to sell alcohol, late night refreshment and recorded music on,

1. Thursday 23:00 - 02:00 and Friday - Saturday: 00:00 - 02:00
2. Add live music as a licensable activity from 23:00 to 02:00 Thursday to Saturday
3. Reduce capacity of premises overall from 95 to 70 persons (amend condition 25)
4. Vary, update and add conditions as per the attached document No change to permissions Sunday to Wednesday and no change to restaurant conditions

**Sale of Alcohol:** Thursday - Saturday: 23:00 - 02:00

**Late Night Refreshment:** Thursday - Saturday: 23:00 - 02:00

**Live Music / Recorded Music:** Thurs - Saturday: 11:00 - 02:00 Opening Hours: Mon - Weds: 11:00 - 00:00. Thurs - Sat: 11:00 - 02:15. Sunday: 12:00 - 23:00

**Proposed New Conditions**

5. After 23.30 Thursday and midnight Friday and Saturday the capacity of the premises shall not exceed 40 persons (excluding staff)
6. After 23.30 and midnight Friday and Saturday alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be permitted membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
7. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises

**Current Licence 21/14479/LIPDPS Sale of Alcohol:**

Mon-Thurs: 11:00 - 23:30. Fri-Sat: 11:00 - 00:00. Sun: 12:00-22:30

**Late Night Refreshment:** Mon-Thurs: 23:00 - 23:30. Fri-Sat: 23:00 - 00:00

**Dancing/ Making Music/Recorded Music:** Mon-Thurs: 11:00 - 23:30. Fri-Sat: 11:00 - 00:00. Sun: 12:00-22:30.

**Opening Hours:** Mon-Thurs: 11:00 - 00:00. Fri-Sat: 11:00 - 00:30 Sun: 12:00-23:00

**Condition 18:** The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal

**Representation** Amici is licensed as a restaurant to core hours, situated in the north section of Wardour Street this application seeks to change the operation and create a new late night private members club, including live and recorded music on Thursday from 11.30pm to 2am and on Friday to Saturday from 12am until 2am.

[REDACTED] objects to this application as it is contrary to the Pubs and Bars PB1, Core Hours HRS1 and Cumulative Impact CIP1 policies, it will fail to promote the licensing objectives and increase cumulative impact in the West End Cumulative Impact Zone. We reject the applicants attempt to present a possible exception to policy with the creation of a new private members club by offering a reduction in capacity of the restaurant, which currently operates to

core hours from 95 to 70, and it also proposes an **increase in capacity of 40 after core hours until 2am Thursday to Saturday**. The offer and impact of a reduction in capacity of a restaurant within core hours is hardly comparable to a 2am late night bar.

We note the new set of conditions proposed by the applicant for the members club, one of which aims to remove the current restaurant condition on the licence, this being, **Condition 18**. *“The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.” (our emphasis)*

**TO Proposed Condition 7.** *‘Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.’* This being a weaker condition highlighting the members club as a drink led operation. **(our emphasis)**

Soho is at the forefront of the evening and night-time economy with its numerous restaurants, bars, members clubs and entertainment establishments, overall, it has the highest concentration of licensed premises in Westminster, 478 with a large proportion (25%) being late night licences. The south part of Wardour Street is densely populated at night with late night premises licensed until 3am with a capacity of 2,055, and within those streets that surround it, namely Old Compton Street, Frith Street, Dean Street and Greek Street they have the highest concentration of late night premises in Soho, a total of **114 with terminal hours between 12am - 3.30am and capacity of over 10,780**. The granting of any new licences and particularly a new late night bar on the busiest nights of the week in Soho, will have an impact of the licensing objectives and cumulative impact.

### **Residents**

We have been contacted by a resident alerting us to the ongoing noise nuisance from this restaurant, there have been a number of noise complaints due to them playing loud music with the front door open, the resident can hear the music in their bedroom even with the windows being secondary glazed. There’s also been issues with people urinating in the entrance of their building. The proposed late night hours of a new drink led operation, which includes live music and recorded music will create even more noise disturbance to those residents living nearby. It is wholly unacceptable that residents should have to endure this behaviour and have the quality of the enjoyment of their own home, disrupted like this. It goes against WCC’s own policy and against the individuals’ human rights.

We are aware of residents who do not live directly within the vicinity of bars on Wardour Street but are being affected by patron’s leaving premises late at night due to living on a dispersal route. This includes noise from patrons and pedicabs playing their music on route to such venues. Their sleep too is being disrupted leading to a decline in their wellbeing. A recent sleep survey conducted by the 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 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. Crime and Disorder**

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

disorder and anti social behaviour continues to be a huge problem in Soho. The crime figures are high and increasing. The recent police crime report for December 2022 highlights Soho as having the highest number of robberies, overall knife crime and violence against the person compared to other areas within the cumulative impact zone.

The recent and very serious assault at 3am of a man on Greek Street raises concerns regarding public safety and highlights how unsafe this area and Soho is at night. In Soho the majority of robberies take place at night, people are targeted as they leave venues, alongside the robberies and assaults, drug dealing is another problem with groups of dealers congregating to sell drugs to people out on the streets. There are more dealers in the area at night than during the day, this is directly linked to the large number of venues and people on the streets which creates the drugs market.

Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away. It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho specifically to target them. We believe patrons leaving this club at night will be at high risk of becoming victims of crime.

### **Cumulative Impact Policy CIP1**

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. It concludes that,

*'After consideration of the cumulative impact assessment it is the Licensing Authority's view that the number of premises licences in the West End, are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives. The granting of licences for certain types of operation that are likely to add to Cumulative Impact within these areas would not be consistent with the Licensing Authority's duty under the Licensing Act 2003.'* (p.19) **(our emphasis)**

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but it may in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, our observation is Soho attracts more people now than at pre-COVID times. 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). 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.'*** **(our emphasis)**

The policy has a presumption to refuse applications within the West End Cumulative Impact Zone for, pubs, bars and music and dance premises. The applicant needs to demonstrate an exception to policy, they have failed to do so.

### **In summary**

The application to create a new late night members club/ bar until 2am, with a capacity of 40 in the West End Cumulative Impact Zone is contrary to policy and will further fail to promote the licensing objectives. We respectfully ask the Licensing Sub-Committee to refuse this application.

Yours faithfully, [REDACTED]

**Appendix 1: [REDACTED] Sleep Survey Results Soho Society Sleep Survey Results –**



### 31 October 2022

A recent sleep survey conducted by the [REDACTED] confirms that residents are disturbed by noise at night and it is having a negative impact. 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 wasn'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 0530am. 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.”

**END**

<b>3.</b>	<b>Policy &amp; Guidance</b>
The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Hours Policy HRS1 applies</b>	<p><b>A.</b> Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p><b>B.</b> Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li><b>1.</b> The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li><b>2.</b> If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li><b>3.</b> Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li><b>4.</b> The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li><b>5.</b> The proposed hours when any music, including incidental music, will be played.</li> <li><b>6.</b> The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li><b>7.</b> The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li><b>8.</b> Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li><b>9.</b> The capacity of the premises.</li> <li><b>10.</b> The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li><b>11.</b> The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li> <li><b>12.</b> Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</li> <li><b>13.</b> 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.</li> <li><b>14.</b> Specific days for non-standard hours should be identified and justified as part of the application to allow responsible</li> </ol>

	<p>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><b>C.</b> For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p><b>D.</b> 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><b>E.</b> For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p><b>Note:</b> 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><b>Restaurant Policy RNT1 applies</b></p>	<p><b>B.</b> Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p><b>C. For the purposes of this policy a restaurant is defined as:</b></p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> </ol>

	<p>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.</p> <p>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.</p>
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#### 4. Equality Implications

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

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

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

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021

<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Metropolitan Police Service	03 February 2023
<b>5</b>	Environmental Health Service	08 February 2023
<b>6</b>	Licensing Authority	22 February 2023
<b>7</b>	Interested Party 1	31 January 2023
<b>8</b>	Interested Party 2	01 February 2023
<b>9</b>	Interested Party 3	04 February 2023
<b>10</b>	Interested Party 4	7 February 2023
<b>11</b>	Interested Party 5	8 February 2023
<b>12</b>	Interested Party 6	10 February 2023
<b>13</b>	Interested Party 7	22 February 2023



Submissions from the Applicant:

**AMICI, 187 WARDOUR STREET LONDON  
APPLICATION FOR VARIATION TO PREMISES LICENCE**

I act for the premises licence holder, Caprice London Limited.

Caprice London Limited has sought a variation to

1. extend permitted hours for retail sale of alcohol, late night refreshment and recorded music on Thursday from 23.30 to 02.00 and Fri/Sat from midnight to 2am
2. add live music as a licensable activity from 23.00 to 02.00 Thurs-Sat
3. reduce capacity of premises overall from 95 to 70 persons
4. vary, update and add conditions

There are no changes being sought to permissions Sunday-Wednesdays

The premises trade as a restaurant currently, and is laid to table. It offers Mediterranean/ Middle Eastern cuisine.

The menu changes monthly. Amici has a restaurant condition attached. Condition 18 reads: *“The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.”*

This will not change should the variation be granted. There has been no application to remove this condition. The premises are not seeking to become a bar where patrons can just drink without alcohol being ancillary to food. The representation from the Soho Society seems to have misread this on the application form (the variation on page 2 clearly stated “...and no change to restaurant conditions”), and so we confirm it again now.

The hours sought are 2am on Thursdays, Fridays and Saturdays, again with the restaurant condition attached throughout the extended hours.

What is being proposed is the premises, after existing hours becomes a restaurant that will only welcome its members. WCC Model membership conditions have been offered for this purpose. They read:

1. *After 23.30 Thurs and midnight Fri and Sat alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.*
2. *A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council*

No exceptions have been made for any sort of event to either membership restrictions or restaurant restrictions. The premises is not therefore trying to morph into another style of premises.

There has been a desire to make the restaurant more exclusive which assists the location of the premises, as it is located within the cumulative impact area. The benefit given the location is that the premises in the later hours will not be open to the general public, and will be open to only persons where the applicant holds their personal details- which will be their regular clientele.



Restaurants attract low crime and disorder and public nuisance and are low risk to the licensing objectives and this is acknowledged in the Licensing Police Statement.

A further driving factor for this variation, is that patrons are typically eating later rather than going on to further entertainment after dinner and Amici wish to take advantage of this for their regular clientele.

There is another benefit to becoming a members restaurant as this will also allow the premises to bring in some more revenue to the business. The benefits of the membership allows:

- Connect with other Amici members
- Late Dinner Experience
- Member rate at Amici

Paragraph F112 of the Licensing Policy Statement states that *“The Licensing Authority is particularly concerned that restaurant premises within the West End Cumulative Impact Zone do not, even in part, come to operate as bars and particularly not as “vertical drinking” premises where customers consume alcohol standing throughout the evening.”* Accordingly, to emphasize this the applicant has offered a further condition that the sale and consumption of alcohol shall only be to seated customers in line with the restaurant condition on the licence now.

Further, Paragraph F113 states that *“Where an application is to be considered under this [restaurant] policy, following relevant representations, conditions restricting the premises in accordance with this definition may be attached. These might include: • Requiring alcohol to be served only by waiter/ waitress service. • Customers to be only served while seated. • The sale of alcohol only to persons taking a substantial table meal for consumption ancillary to that meal.”* The above factors are included in the licence so have been addressed. We have no objection to the word ‘substantial’ being included in condition 18 should Members decide it appropriate.

As part of the variation application Amici is seeking to amend condition 25 from “The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 95 persons.” To “The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons.” This is a general reduction in numbers by 25 persons.

The capacity is further being reduced after existing hours- So, after 23.30 Thurs and midnight Fri and Sat the capacity of the premises shall not exceed 40 persons (excluding staff).

It is further proposed that after 11pm on Thursday, Friday and Saturdays when the private restaurant club is operating that night there shall be a minimum of 1 SIA on duty until close. We have no objection if this condition is amended to read “After 11pm on Thursday, Friday and Saturdays when the private club is operating that night there shall be a minimum of 1 SIA on duty until close *or until the last patron has dispersed*” should members consider it appropriate.

The security proposal is obviously linked to the extended hours. Typically the venue would not have security when trading to core hours and so if they choose not to operate later hours on Thursday, Friday or Saturday nights they did not want the expense of security for the last 30 mins or 1 hour (depending on the day), especially as you need to have minimum hours for security. This represents a fair balance in the applicants eyes.

The premises in the neighbouring area show a mix of hours and operations. Patrons will not be spilling out at the same time. This capacity is small (proposed general reduction of 25 persons). Reservations will be taken. With all of this we do not believe there will be any additional cumulative impact.

The application for variation also seeks to update and add some further conditions to assist the authorities and modernise the licence.

Proposed conditions:

- Amend condition 12 to WCC model conditions

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

12 (b) 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.

- Amend condition 25 from “The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 95 persons.”

To “The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons.”

#### **Add new conditions**

1. After 23.30 Thurs and midnight Fri and Sat the capacity of the premises shall not exceed 40 persons (excluding staff).
2. After 23.30 Thurs and midnight Fri and Sat alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
3. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
4. 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.
5. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

6. 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.
7. After 23.00 on Thurs, Fri and Sat when the private club is operating that night there shall be a minimum of 1 SIA on duty until close.
8. The consumption of alcohol shall only be to seated customers.
9. There shall be no new entries or re-entries after 0100 Thurs-Sat (trading days) .
10. After 23.00 Thursday, Friday and Saturday there shall be a personal licence holder on duty at the premises whilst it is trading.



## Dispersal Policy

The aim of the procedures laid out in this document is to ensure there is an absolute minimum of noise and to prevent any nuisance being caused to our neighbours and the general public.

All staff will be trained in the procedures and will receive regular refresher training.

This document will be reviewed on an annual basis to ensure its effectiveness and relevance is not compromised.

The manager in charge will be responsible for ensuring the plan is fully implemented. Each member of staff shall have an effective means of communicating with the manager and other members of staff.

Any guests causing noise or disturbance or who appeared to be impaired / intoxicated through alcohol or drugs will be REFUSED ENTRY and asked to leave.

A manager will check the outside area regularly throughout the night.

The entrance must not be obstructed.

Staff and security (if on duty) will monitor activity in the vicinity of Amici throughout each night to prevent crime and disorder, noise or disturbance arising from customers.

Staff and security (if on duty) will ensure customers do not congregate outside.

Guests will only be permitted outside to smoke in line with Amici's Smoking Policy.

Staff and security (if on duty) will monitor guests smoking.

Staff and security (if on duty) will endeavour to control a slow stream of customers and guests leaving Amici. The premises trades as a restaurant so customers will filter out of the premises naturally

Staff and security (if on duty) will be proactive about dispersal of groups of people outside Amici.

Guests will be encouraged to leave the area quickly and quietly.

Any customers and guests causing noise or disturbance will be asked to be quiet. Those that do not will be refused entry in the future.

A manager will be on duty and stationed at the exit to oversee dispersal as required.

Any guests waiting for Taxi's will be allowed to wait in the premises until the taxi arrives for their safety.

When guests book with Amici, they will be informed of the following information: -

- a. To leave Amici quietly and respect our neighbours
- b. To book a taxi and wait inside the venue until they arrive
- c. Leave the area as quickly as possible.

Staff and security (if on duty) shall monitor the area outside the premises to ensure that customers leave the premises safely and to prevent serious crime and disorder from occurring.

Guests will not be allowed to take drinks with them as they leave.

The tempo of music will be slowed down and the volume will be lowered gradually at the end of the night to encourage guests exit in a calm manner. The music is typically background so it is not envisaged it will cause any disturbance but needs to be monitored.

The house lights will be raised gradually at the terminal hour for licensable activities.

Guests will be supplied with information on transport options available late at night.

Notices will be prominently displayed at exits requesting the guests to respect the needs of local residents and to leave Amici and the area quietly in a considerate manner.

The Licensee will ensure that staff will conduct a litter and cleaning patrol of area immediately outside Amici .

The Licensee will contact the police as necessary if people who have left are causing a public nuisance, threatening property or people or otherwise engaged in anti-social behaviour.

A telephone number will be available to local residents for them to call should they have an issue.

Any complaint will be dealt with promptly by the senior member of staff on duty. The complaint will also be reviewed and followed up by the DPS on the next working day.

A record will be kept of any complaint received. This will include the nature of the complaint and action taken together with the details of the complainant.

## • Smoking

Amici operates a zero tolerance policy to smoking in the venue in line with the Smoke Free regulations and Health Act 2006.

“No Smoking” signage will be displayed at Amici that clearly states it is against the law to smoke anywhere inside the premises.

Staff will take immediate action if any customer attempts to smoke inside Amici.

Any customer who still attempts to smoke inside the premises will be asked to leave.

Staff will not smoke anywhere inside Amici, including back of house areas.

All staff will receive training on dealing with smoking in smoke free premises including the penalties involved:-

- Smoking in smoke free premises: a fixed penalty notice of £50 (reduced to £30 if paid in 15 days) imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
- Failure to display no-smoking signs: a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) imposed on whoever manages or occupies the smoke free premises. Or a maximum fine of £1000 if prosecuted and convicted by a court.
- Failing to prevent smoking in a smoke free place: a maximum fine of £2500 imposed on whoever manages or controls the smoke free premises if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

The smoking area will be monitored by staff and door supervisors if on duty. The smoking areas will be cleaned of litter at regular intervals.

Customers will be reminded to keep the noise down and to respect the residents in the area. This will be supported by clear and prominent signage.

Any person causing a nuisance or disturbance in the smoking area will be asked to leave Amici immediately.

- Amici is also subject to the following conditions in Annex 3 of the premises licence

Twice yearly all front of house staff shall be retrained in regard to their personal responsibilities in connection with the 2003 Licensing Act. There must be an employment record for all staff and this must be kept up to date with the details of the training provided. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

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

Persons temporarily leaving the premises shall not be permitted to take any drinks with them.

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

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

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.

Loudspeakers shall not be located in the entrance lobby or outside the premises building. All external doors shall be kept closed after 21:00 hours, or at any time when regulated

## Appendix 3

### Licence & Appeal History

Application	Details of Application	Date Determined	Decision
10/06797/LIPN	New Premises Licence	18.11.2010	Granted in full by Licensing Sub-Committee
11/00613/LIPV	Full Variation to extend hours of licensable activities and add live music.	07.04.2011	Refused by Licensing Sub-Committee
11/01762/LIPRW	Removal of works condition	08.04.2011	Granted under Delegated Authority
12/01215/LIPVM	Minor variation to add Regulated Entertainment	09.03.2012	Refused under Delegated Authority
13/03631/LIPT	Transfer premises Licence	14.06.2013	Granted under Delegated Authority
13/03635/LIPDPS	Vary DPS	14.06.2013	Granted under Delegated Authority
13/04550/LIPV	Full variation to change layout, extend opening hours by 30 mins and amend conditions.	29.08.2013	Granted by Licensing Sub-Committee
14/06520/LIPT	Transfer premises Licence	09.09.2014	Granted under Delegated Authority
14/06522/LIPDPS	Vary DPS	09.09.2014	Granted under Delegated Authority
14/07075/LIPVM	Minor Variation to vary layout	08.09.2014	Granted under Delegated Authority
16/09142/LIPT	Transfer premises Licence	29.09.2016	Granted under Delegated Authority
16/10721/LIPDPS	Vary DPS	26.10.2016	Granted under Delegated Authority



21/00140/LIPT	Transfer premises Licence	25.01.2021	Granted under Delegated Authority
21/00142/LIPDPS	Vary DPS	25.01.2021	Granted under Delegated Authority
21/07104/LIPT	Transfer premises Licence	03.08.2021	Granted under Delegated Authority
21/07228/LIPDPS	Vary DPS	06.08.2021	Granted under Delegated Authority
21/14415/LIPT	Transfer premises Licence	05.01.2022	Granted under Delegated Authority
21/14479/LIPDPS	Vary DPS	06.01.2022	Granted under Delegated Authority

**There is no appeal history**

### Temporary Event Notice History for Licence Holder

Application	Details of Application	Date of event	Decision
23/01269/LITENN	Temporary Event Notice	11.03.2023	Event allowed to proceed
22/10985/LITENN	Temporary Event Notice	15.12.2022 to 18.12.2022	Event allowed to proceed
22/10984/LITENN	Temporary Event Notice	08.12.2022 to 11.12.2022	Event allowed to proceed
22/10983/LITENN	Temporary Event Notice	01.12.2022 to 04.12.2022	Event allowed to proceed
22/10982/LITENN	Temporary Event Notice	24.11.2022 to 27.11.2022	Event allowed to proceed
22/10986/LITENN	Temporary Event Notice	22.12.2022 to 25.12.2022	Event allowed to proceed
22/09756/LITENN	Temporary Event Notice	28.10.2022 to 30.10.2022	Event allowed to proceed
22/02045/LITENP	Temporary Event Notice	12.03.2022	Refused.

### ***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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

#### **Conditions: On Current Licence -**

##### **Mandatory:**

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. (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.

- (ii) For the purposes of the condition set out in paragraph 9(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.
- (iii) Where the permitted price given by Paragraph 9(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.
- (iv) (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.

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

None

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

10. Signage must be displayed asking patrons to leave the premises quietly and respect local residents.
11. Children may only be permitted on the premises if accompanied by an adult.
12. ~~The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.~~

#### **The above condition 12 to be replaced with:**

12.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
  - (b) 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.
13. Twice yearly all front of house staff shall be retrained in regard to their personal responsibilities in connection with the 2003 Licensing Act. There must be an employment record for all staff and this must be kept up to date with the details of the training provided.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) any complaints received regarding crime disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system or searching equipment or scanning equipment
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
16. Persons temporarily leaving the premises shall not be permitted to take any drinks with them.

17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
18. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
19. The supply of alcohol shall be by waiter or waitress service only.
20. Regulated Entertainment shall only be provided to persons dining at the restaurant.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. 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.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. All external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- ~~25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 95 persons.~~

**The above condition 25 to be replaced with:**

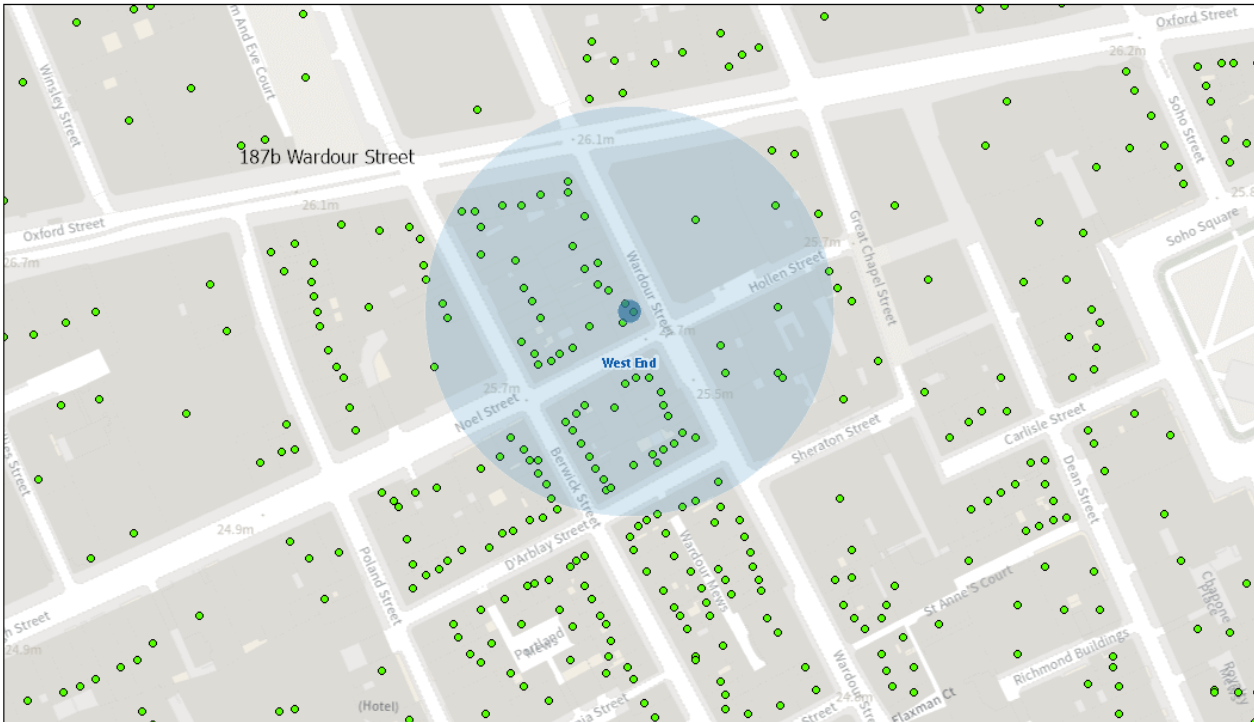
25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. There shall be no striptease or nudity, and all persons shall be decently attired at all times except when the premises are operated under the authority of a Sexual Entertainment Venue licence.
28. A challenge 21 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.
29. There shall be no takeaway of hot food or hot drink after 23:00 hours.
30. On Christmas Eve and New Year's Eve licensable activities may take place from the end of permitted hours until 05:30 on the following day.



### **Conditions proposed by the applicant.**

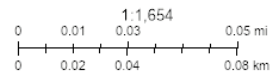
31. After 23.30 Thurs and midnight Fri and Sat the capacity of the premises shall not exceed 40 persons (excluding staff)
32. After 23.30 Thurs and midnight Fri and Sat alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
33. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
34. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
35. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
36. 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.

187 Wardour Street London W1F 8ZB



06/03/2023, 16:02:03

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



Resident Count: 60

Licensed premises within 75 metres of 187 Wardour Street, London W1F 8ZB				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/14479/LIPDPS	AMICI	Basement 187 Wardour Street London W1F 8ZB	Restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 11:00 - 00:00   Friday to Saturday; 11:00 - 00:30
22/03766/LIPVM	BRGR	Ground Floor 187 Wardour Street London W1F 8ZB	Restaurant	Monday; 10:00 - 01:30   Tuesday; 10:00 - 01:30   Wednesday; 10:00 - 01:30   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30   Sunday; 12:00 - 00:00

18/05695/LIPN	Not Recorded	Basement And Ground Floor 189 Wardour Street London W1F 8ZD	Restaurant	Saturday; 12:00 - 22:00   Sunday; 12:00 - 20:00   Monday to Wednesday; 12:00 - 22:00   Thursday to Friday; 12:00 - 23:00
21/04120/LIPN	Not Recorded	193 Wardour Street London W1F 8ZF	Cafe	Monday; 07:00 - 23:30   Tuesday; 07:00 - 23:30   Wednesday; 07:00 - 23:30   Thursday; 07:00 - 23:30   Friday; 07:00 - 00:00   Saturday; 07:00 - 00:00   Sunday; 10:00 - 18:30
21/12112/LIPV	Scarlett Green	Ground Floor 2 - 4 Noel Street London W1F 8GB	Cafe	Monday; 08:00 - 00:00   Tuesday; 08:00 - 00:00   Wednesday; 08:00 - 00:00   Thursday; 08:00 - 00:00   Friday; 08:00 - 00:30   Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00   Sundays before Bank Holidays; 08:00 - 00:30
19/10000/LIPN	Not Recorded	Basement And Ground Floor 27 Noel Street London W1F 8GZ	Cafe	Friday; 11:00 - 21:00   Monday to Thursday; 11:00 - 20:30   Saturday to Sunday; 11:00 - 20:30
19/02746/LIPDPS	Chipotle Mexican Grill	183 - 185 Wardour Street London W1F 8ZA	Restaurant	Sunday; 11:30 - 23:00   Monday to Saturday; 10:00 - 23:30
16/02387/LIPDPS	The Melt Room	26 Noel Street London W1F 8GY	Restaurant	Saturday; 11:00 - 21:00   Sunday; 11:00 - 21:00   Monday to Friday; 08:30 - 21:00

22/07017/LIPDPS	Simmons	201 - 203 Wardour Street London W1F 8ZH	Night clubs and discos	Sunday; 10:00 - 00:30   Monday to Saturday; 10:00 - 06:00
19/03802/LIPN	Simmons	201 - 203 Wardour Street London W1F 8ZH	Not Recorded	Sunday; 10:00 - 00:30   Monday to Saturday; 10:00 - 06:00
22/11516/LIPRW	Maresco	45 Berwick Street London W1F 8SF	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
16/05293/LIPCH	Franco Manca	51 Berwick Street London W1F 8SJ	Restaurant	Sunday; 11:00 - 23:00   Monday to Saturday; 11:00 - 00:00
20/07470/LIPDPS	The Real Greek	Ground Floor 50 - 51 Berwick Street London W1F 8SJ	Restaurant	Sunday; 11:00 - 23:00   Monday to Saturday; 11:00 - 00:00
18/03839/LIPDPS	The George Public House	1 D'Arblay Street London W1F 8DG	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30
21/10406/LIDPSR	Cookhouse Joe	55 Berwick Street London W1F 8SP	Restaurant	Sunday; 10:00 - 23:00   Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30
21/05452/LIPN	Toi Moi	38 Berwick Street London W1F 8RT	Cafe	Monday to Sunday; 07:30 - 22:00
22/11036/LIPDPS	Ember Yard	Development Site At 60 - 61 Berwick Street London	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:00

22/07037/LIPN	Live True London	Basement And Ground Floor 173 Wardour Street London W1F 8WT	Not Recorded	Monday; 09:00 - 21:00   Tuesday; 09:00 - 21:00   Wednesday; 09:00 - 21:00   Thursday; 09:00 - 21:00   Friday; 09:00 - 21:00   Saturday; 09:00 - 21:00   Sunday; 09:00 - 21:00
21/05520/LIPN	Fadiga	Basement And Ground Floor 71 Berwick Street London W1F 8TB	Restaurant	Sunday; 11:00 - 22:30   Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00
18/01923/LIPVM	Korkers (Basement) And Mustafas Thai Cottage (Ground Floor)	Ground Floor 34 D'Arblay Street London W1F 8EX	Not Recorded	Not Recorded; XXXX - XXXX
22/10814/LIPCH	The Breakfast Club	33 D'Arblay Street London W1F 8EU	Cafe	Sunday; 09:00 - 22:30   Monday to Saturday; 09:00 - 23:00
18/06968/LIPT	Conko	72 Berwick Street London W1F 8TD	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/09717/LIPDPS	London Gin Club	22 Great Chapel Street London W1F 8FR	Not Recorded	Sunday; 10:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30
19/01244/LIPVM	Star Cafe	22 Great Chapel Street London W1F 8FR	Restaurant	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   Sunday; 12:00 - 23:00

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# Licensing Sub-Committee Report

Item No:	
Date:	04 May 2023
Licensing Ref No:	23/00796/LIPN - New Premises Licence
Title of Report:	Basement And Ground Floor 10 Golden Square London W1F 9JA
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:	Emanuela Meloyan Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: <a href="mailto:emeloyan@westminster.gov.uk">emeloyan@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	6 February 2023		
<b>Applicant:</b>	Golden Square Mart Ltd		
<b>Premises address:</b>	Basement And Ground Floor 10 Golden Square London W1F 9JA	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	<p>According to the application form the premises intends to trade in the basement and part of the ground floor as an Asian restaurant which is licensed for the sale of alcohol on the premises from 09:00 to 23:00 Monday to Sunday.</p> <p>The remainder of the ground floor is intended to trade as an Asian supermarket which is licensed for the sale of alcohol for consumption off the premises from 09:00 to 21:00 Monday to Sunday.</p>		
<b>Premises licence history:</b>	<p>The premises already hold a premises licence (licence number 22/04691/LIPV) The applicant has proposed to surrender the existing premises licence should this application be granted.</p> <p>A full Licence History for 22/04691/LIPV appears at <b>Appendix 3</b>.</p>		
<b>Applicant submissions:</b>	<p>The applicant has provided the following submissions:</p> <ul style="list-style-type: none"> <li>• Mediation letters sent to the interested parties.</li> </ul> <p>A copy of the documents can be found at <b>Appendix 2</b>.</p>		
<b>Applicant amendments:</b>	<p>Following consultation, the applicant has reduced the terminal hour for the sale of alcohol on a Sunday to 22:30.</p> <p>The hours now being applied for are set out below at section 1-B</p>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	Not applicable - Late night refreshment is only applied for as a seasonal variation as shown below.						
<b>End:</b>							
<b>Seasonal variations/ Non-standard timings:</b>	From 23:00 hours on New Year's Eve to 01:00 hours on New Year's Day. From 23:00 hours on Chinese New Year to 01:00 hours the following day.						



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	22:30
Seasonal variations/ Non-standard timings:			From 23:00 hours on New Year's Eve to 01:00 hours on New Year's Day. From 23:00 hours on Chinese New Year to 01:00 hours the following day.				

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:	23:30	23:30	23:30	23:30	23:30	23:30	23:30
Seasonal variations/ Non-standard timings:			From 1000 hours on New Year's Eve until 0130 hours on New Year's Day. From 1000 hours on Chinese New Year until 0130 hours the following day.				
Adult Entertainment:			None				

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	2 <sup>nd</sup> March 2023
	<p>I refer to the application for a new Premises Licence for the above premises. The premises does benefit from the following premises licence 22/04691/LIPV.</p> <p><b>The premises is situated in the West End Cumulative Impact Zone.</b></p> <p>This representation is based on the Operating Schedule and the submitted plans for the basement and ground floor, there is no reference number or date.</p> <p>The applicant is seeking the following on the <b>ground floor and basement</b>:</p> <ol style="list-style-type: none"> <li>To allow the Supply of Alcohol 'on' and 'off' the premises Monday to Sunday 10:00-23:00 hours.</li> <li>To allow the seasonal variation from the 23:00 hours on New Year's Eve to 01:00 hours on New Year's Day, and the same hours on Chinese New Year to the following day for both Late Night Refreshment and the Supply of Alcohol.</li> </ol> <p>I wish to make the following representation in relation to the above</p>

	<p>application:</p> <ol style="list-style-type: none"> <li>1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the Cumulative Impact Zone and may impact on Public Safety.</li> <li>2. The seasonal variations may cause an increase in Public Nuisance in the Cumulative Impact Zone and may impact on Public Safety.</li> </ol> <p>Further information and proposed conditions have been provided, which are being considered, but further conditions may be proposed by Environmental Health in order to protect the Licensing Objectives.</p> <p><b>The granting of the Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact zone and may impact on Public Safety.</b></p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Jessica Donovan
<b>Received:</b>	06 March 2023

I write in relation to the application submitted for a new premises licence for Basement And Ground Floor, 10 Golden Square, London, W1F 9JA.

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

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

The application seeks the following:

**Retail sale of Alcohol (On and Off sales)**

Monday to Sunday 10:00 to 23:00

From 2300 hours on New Year's Eve to 0100 hours on New Year's Day.

From 2300 hours on Chinese New Year to 0100 hours the following day.

**Late Night Refreshment:**

From 2300 hours on New Year's Eve to 0100 hours on New Year's Day.

From 2300 hours on Chinese New Year to 0100 hours the following day.

**Hours premises are open to the public**

Monday to Sunday 10:00 to 23:30

From 1000 hours on New Year's Eve until 0130 hours on New Year's Day.

From 1000 hours on Chinese New Year until 0130 hours the following day.

The premises are located within the West End Cumulative Impact Zone it is intended that the premises will trade as a restaurant and shop and as such various policy points must be considered, namely CIP1, HRS1, RNT1 and SHP1.

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 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.

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.

Shops Policy SHP1(B and C) states;

B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and 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 meeting the council's Ancillary Alcohol and/or Late night Refreshment Delivery Service Policy DEL1.
4. The applicant having 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 shop in Clause C.

C. For the purposes of this policy:

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.

The Licensing Authority note that the application falls outside of Westminster's core hours on

Sundays for Restaurants and Shops.

The Core hours for restaurants are:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

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

The core hours for a Shop (off-sales of alcohol where it forms either the ancillary or primary use of the premises) are:

Monday to Saturday: 8am to 11pm.

Sunday: 9am to 10.30pm.

Please could the applicant confirm if they are willing to reduce the terminal hour for the retail sale of alcohol on Sundays to 22:30 to allow the application to fall within Westminster core hours for Restaurants and shops.

The Licensing Authority note that the applicant has proposed an amended version of Westminster's model condition 66 in their operating schedule:

*'The basement and part of the ground floor (as shown on the plan) shall operate as a restaurant,*

- a. in which customers are shown to their table or the customer will select a table themselves;*
- b. where the supply of alcohol is by waiter or waitress service only;*
- c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table;*
- d. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

*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.'*

Would the applicant be willing to consider amending the ground floor plans to include hatching over the area intended for restaurant use and amend the above condition as follows to ensure that the intended area is clear:

*'The basement and the area hatched black as shown on the ground floor plan shall operate as a restaurant,*

- a. in which customers are shown to their table or the customer will select a table themselves;*
- b. where the supply of alcohol is by waiter or waitress service only;*
- c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table;*
- d. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

*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.*

The Licensing Authority note that the premises has the benefit of a premises licence 22/04691/LIPV. It is noted that this application seeks longer hours for the retail sale of alcohol for consumption off the premises. The Licensing Authority require the applicant to provide submissions as to how the extension of hours will not add to cumulative impact in the West End Cumulative impact Zone.

The Licensing Authority also encourages the applicant to consider MC61 which states:

*No licensable activities shall take place at the premises until premises licence **22/04691/LIPV** (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.*

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:	17 February 2023
<p>I am a resident [REDACTED] For the past 2 years, I have had to regularly call the Westminster Council with noise complaints. Noise officers have regularly given them orders to rectify the situation but they ignore the orders. You can check your records as to the amount of complaints that have been made against this property. I had to place a call to the Westminster noise team again yesterday and the officer was reading all the complaints and was astounded. They do not seem to care about the neighbouring residents. My neighbours have also complained about the noise from this business.</p> <p>Therefore if they are given permission for a drinks licence they will flaunt those rules and the noise will be intensified.</p> <p>Please do not grant this licence as the noise pollution increase and would be unbearable. On past experience of this business they have proven to be untrustworthy and should not be granted the licence.</p>	

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 February 2023
<p>To who it may concern,</p> <p>I live in [REDACTED] and we have been trying to get the 10 golden square to rectify the problem of the odors that invades or flats from the extractor fans that blow out a awful stink. We have been in contact with Westminster team about this problem now since before lock down and recorded the problem with them and have had home visits etc to smell the problem. maybe this problem can be a condition of the new lic. they are applying for that the smell coming out of the extractor fans is fixed / stopped either a new high tech extractors with charcoal filters to stop the smell or maybe a chimney that takes the smell up to above the roof top of thier building and blows it out so everyone living opposite on bridle lane can open there windows and not have the smell / order invading out flats.</p> <p>Thank you for your time and if you need any more information feel free to contact me</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>Cumulative Impact Policy CIP1</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"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<b>Policy HRS1 applies</b>	<p>Core Hours Policy HRS1</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"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> </ol>

	<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. 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><b>Policy COMBI applies</b></p>	<p>Combined use premises Policy or Spaces Policy COMB1</p> <p>A. Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities for the relevant use being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zones for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities for the relevant premises use being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant demonstrating that they will not add to cumulative impact within the Cumulative Impact Zone.</li> </ol> <p>C. When considering what weight is to be given to the relevant uses and policies the Licensing Authority will take into account:</p> <ol style="list-style-type: none"> <li>1. Whether it will undermine the licensing objectives.</li> </ol>



	<ol style="list-style-type: none"> <li>2. The current and proposed use of the premises.</li> <li>3. When those uses will take place.</li> <li>4. What the primary use of the premises is or the uses that will take place in different parts of that premises.</li> <li>5. Whether there would normally be a presumption to refuse an application for that use if it was operating as that premises type and not a combined use premises.</li> <li>6. Whether the hours sought for the all or parts of the premises are within or outside the Core Hours.</li> </ol> <p>D. The Licensing Authority will take into account, when considering the application, the relevant considerations from each of the appropriate premises uses policies within this statement</p> <p>E. For the purpose of this policy a Combined Use Premises means premises which require a premises licence and where there is more than one premises use, and where the uses are not dependent on/ or part of the other uses i.e. are not ancillary to the other uses.</p>
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#### 4. Equality Implications

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

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

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

**5. Appendices**

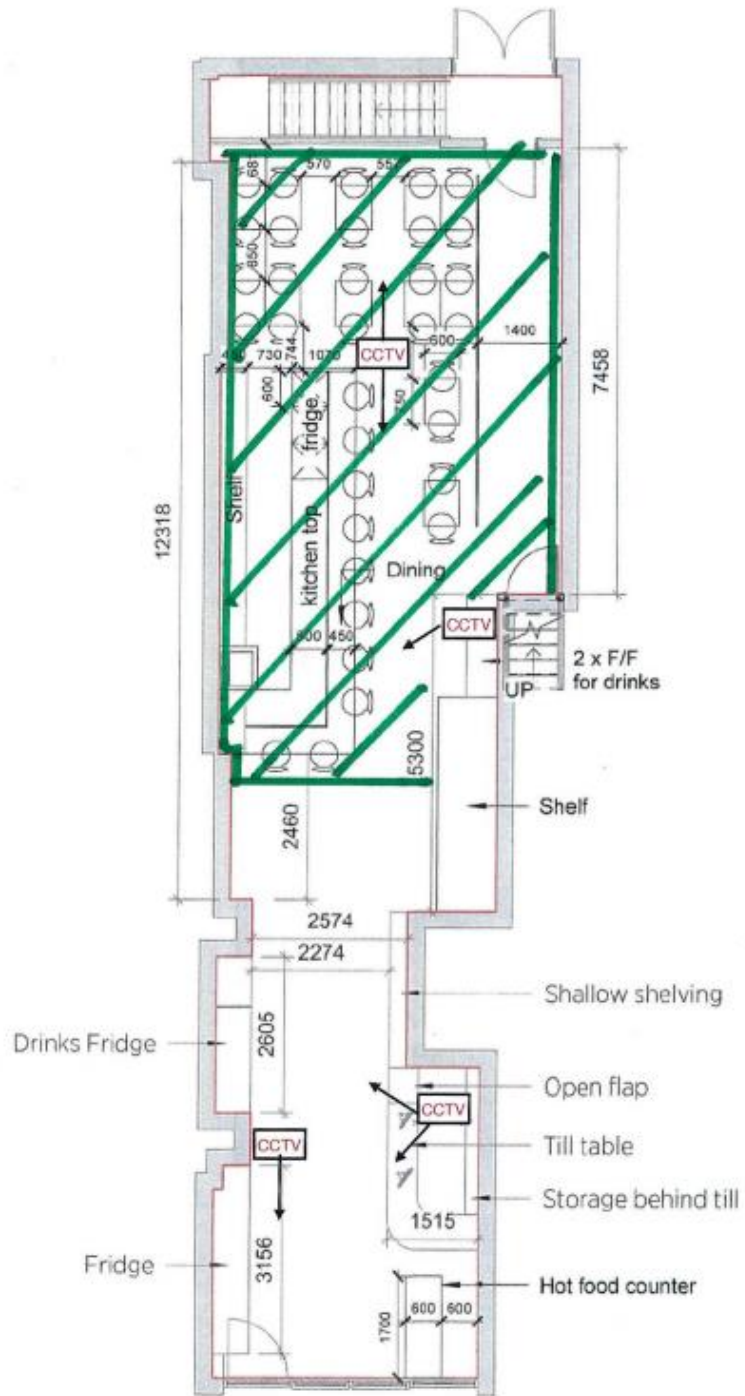
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises Licence 22/04691/LIPV
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Emanuela Meloyan Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: emeloyan@westminster.gov.uk

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

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

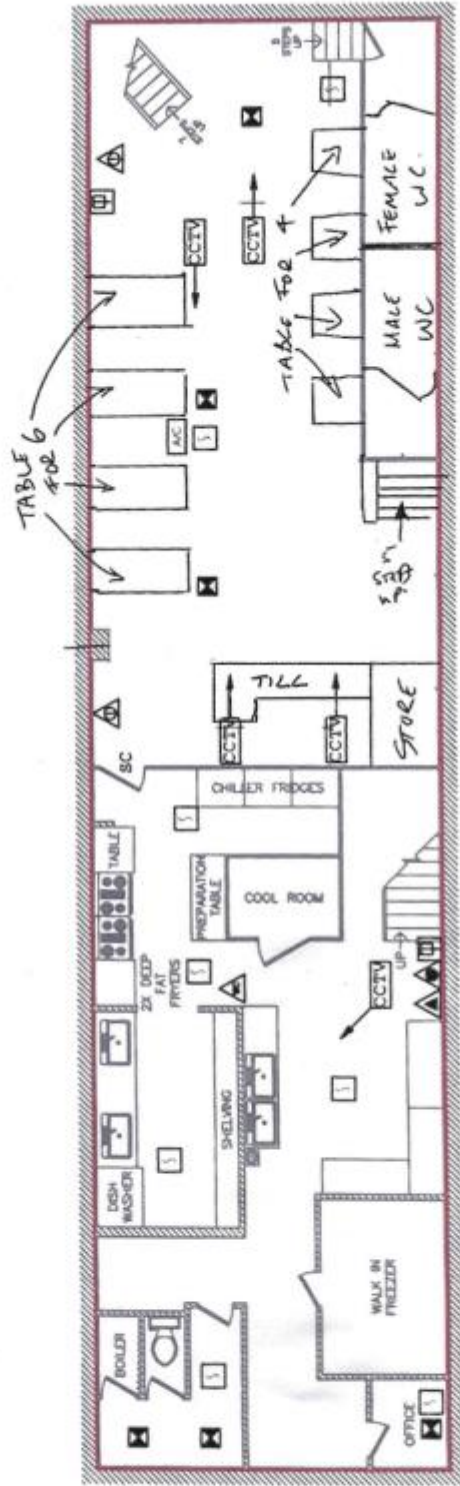
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Environmental Health	02 March 2023
<b>5</b>	Licensing Authority	06 March 2023
<b>6</b>	Interested Party Representation (1)	17 February 2023
<b>7</b>	Interested Party Representation (2)	28 February 2023



Ground Floor

SCALE 1:100 @ A3

DETAIL 2: LOWER GROUND FLOOR PLAN  
SCALE: 1:100 @ A3



Golden Square Mart Limited

Application for Premises Licence

Background

The applicant, Golden Square Mart Limited, by their director Mr Phil Day has properly operated an Asian supermarket at 10 Golden Square since a premises licence was issued on 25 May 2021, as varied by a licence issued 13 July 2022, which was to include a restaurant food offering for dine in and takeaway (in accordance with conditions imposed on the licence) as the main offering, with the sale of alcohol ancillary.

CIP1 (The West End Cumulative Zone)

Our client has carefully considered CIP1 in respect of this application and the two previous applications (2021 and 2022) and confirms that the hours sought under the current application have been amended in respect of Sundays to reflect the Council's core hours policy (HRS1), save for seasonal variations which we address in relation to the Environmental Health representation below. The applicant believes that this new licence and revised business model won't have a detrimental affect on the CIP1 for the following reasons:

1. They are focusing more on the food offering, with the sale of alcohol either for consumption on the premises (with food only, as per conditions in the application) or off the premises in sealed containers only;
2. The hours fall within policy HRS1 on core hours (with the exception of seasonal variations – see below);
3. Paragraph D9 of CIP1 says the following "*The Licensing Authority's view is that cumulative impact in the West End Cumulative Impact Zone arises mainly from the numbers of pubs and bars, music and dance premises and fast food premises. The Licensing Authority wishes to encourage the provision of a range of cultural entertainment premises, where this is suitable and to reduce the extent of dominance of pubs, bars, night clubs and fast food premises within the West End Cumulative Impact Zone.*" Golden Square Mart is not a pub or bar, nor offers music or dance and, whilst it will offer food takeaway and delivery, it is not intended to be a fast food establishment.

4. CIP1 has a presumption that applications for pubs and bars, music and dance venues and fast food premises would be refused. As we have noted, the applicant premises is none of these establishments.
5. The premises is not and won't be a vertical drinking establishment .
6. The applicant suggests an additional condition which reads "The premises licence will only remain valid so long as the main function of the premises is as a restaurant and shop (with retail of alcohol ancillary) to further demonstrate the intention of the business. It's understood that if the business model changed that the premises licence would no longer be valid.

#### Generally

The conditions in the application are all taken from the existing licence (as varied by consultation in 2022) therefore already comply with Westminster's various policies relating to restaurants and shops and generally.

We also refer to an email to the authority dated 9 March 2023 and timed at 12:04 from Nicola Jordan which confirms the applicant's agreement to the suggested conditions from Jessica Donovan.

#### Environmental Health Representations

Turning to the representations of Sally Fabricatore, we would add that the amendment to the core hours would hopefully alleviate any concern under your representation point 1. In relation to your representation point 2, the applicant understands that the seasonal variations may give rise to public nuisance but there will be signage on the premises at all times reminding customers to respect the needs of local residents and leave the area quietly (condition 28). The seasonal variations are for both the sale of alcohol and late night refreshment (which isn't necessary in normal hours of course), so there won't be a situation where customers are purely using the seasonal variations to consume alcohol, as condition 18 in the application restricts the sale of alcohol only to persons consuming food. In addition, alcohol cannot be sold from the shop premises to members of the public after 2300 hours each day (condition 17 of the application) therefore preventing anyone purchasing alcohol from the shop during the seasonal variations post 2300 hours, thereby limiting the potential for public nuisance.

We hope this is of assistance but please feel free to contact us if there's any to discuss.

## Mediation letters

### Letter to Objector 1



Cardiff:  
Two Central Square  
Cardiff  
CF10 1FS  
DX: 33000 Cardiff 1

hughjames.com  
info@hughjames.com  
f: 029 2038 8222

Licensing Authority  
Westminster City Council  
15<sup>th</sup> Floor City Hall  
64 Victoria Street  
London  
**By email only to emeloyan@westminster.gov.uk**

Your ref:  
Our ref: NJO.NJO/GOL238.2  
Please ask for: Nicola Jordan  
Date: 14 March 2023  
Direct Line: 02922 675922  
Email: nicola.jordan@hughjames.com

Dear Madam

**Golden Square Mart Limited  
Representation to Licence Application  
23/00796/LIPN – Golden Square Mart, 10 Golden Square, London**

Thank you for your recent email attaching a copy of the representation made by [REDACTED]

In summary, we note that the representation is concerned about noise emanating from the premises and is concerned that the noise will be 'intensified' if the application is granted. We have responded to the points raised in [REDACTED] representation and should be grateful if these could be forwarded to her for her consideration.

#### Previous Noise Complaints

We note that your representation refers to repeated complaints that you have made to Westminster City Council ("the Council"). The business at Golden Square Mart has not received notice of any such complaints from the Council (save for the one noted below) or directly from any nearby residents.

The only noise complaint received by the business was in June 2021. This did not pertain to customers, but to noise arising from a faulty compressor on a fridge, which made a loud humming sound. This could not be immediately rectified but the applicant did all within their power to mitigate the noise by emptying the fridge at night to allow the unit to be turned off before a replacement unit could be purchased, which resolved the complaint.

For the avoidance of doubt, this premises (at 10 Golden Square) has received no other notification of any formal noise complaints and has never received any complaints as to noise of customers. If they had done so, they reassure you that they would seek to address any issues, as they have done so in the past.

#### Nature of the Business

Though the application is for a new premises licence, please be advised that the premises does already hold a licence for the sale of alcohol (for both on and off the premises). The nature of this application is so that the premises can extend their current street food and

ancillary drinks offering, which currently operates successfully from their basement. At present, the ground floor is an Asian supermarket.

The application is, essentially, to reduce the supermarket area so the basement food offering can be provided on the ground floor also. The nature of the business is primarily Asian street food and the service of alcohol is ancillary to that. Alcohol will only be served with substantial meals and this is a condition on the licence.

It is not intended that the premises should operate as a bar, and diners cannot order just alcohol.

Further, staff are trained in the Challenge 25 scheme and CCTV is operative throughout the premises. The intended licensable hours of the premises are Monday to Saturday from 1000hrs to 2300hrs and Sunday from 1000hrs to 2230hrs (this is a slight reduction from 2300hrs on Sunday). The hours sought fall within Westminster's CIP1 policy on core hours, which can be obtained from the Council if you require it.

The venue is not intended to be a venue that routinely operates late hours. There is also a condition that signage must be displayed at the premises reminding patrons to leave quietly and be mindful of nearby residents.

In addition, our client has offered a further condition which says the premises licence will only remain valid so long as the main function of the premises is that of a restaurant and shop. This will prevent the applicant or a future owner from changing the business model under the current licence into a drinking establishment, for example.

We note that your representation refers to complaints having also been raised by other nearby residents. Again, we reiterate that no complaints relating to *this premises* have been formally communicated by the Council to the premises and no complaints from neighbouring residents have been received by the premises directly. The premises has had a licence for the sale of alcohol since 25 May 2021 (off sales of alcohol) and has been trading successfully since that time. The licence was varied on 13 July 2022 to include on sales of alcohol for the restaurant. The applicant has sought to promptly rectify any reasonable complaints relating to the licensing objectives or queries made and has a proven record of engaging with nearby residents and the surrounding community. The applicant has continually observed all of the conditions on their licence, by which they are bound, and has worked with the relevant authorities to ensure that the business enhances the local community and is not detrimental to it.

We would be grateful if you would consider the above. We hope that we have demonstrated that the approval of this application for an already licensed premises, will not impact on the residential area of Golden Square. We ask that you reconsider your position and withdraw your representation. Should you wish to discuss this further, please do not hesitate to contact us.

You are welcome to check any of the detail of the existing licence, the application or our client's amendments to the current application with the Licensing Authority.

We look forward to hearing from you.

Yours faithfully



Hugh James





Cardiff:  
Two Central Square  
Cardiff  
CF10 1FS  
DX: 33000 Cardiff 1

hughjames.com  
info@hughjames.com  
f: 029 2038 8222

Licensing Authority  
Westminster City Council  
15<sup>th</sup> Floor City Hall  
64 Victoria Street  
London  
**By email only to [emeloyan@westminster.gov.uk](mailto:emeloyan@westminster.gov.uk)**

Your ref:  
Our ref: NJO.NJO/GOL238.2  
Please ask for: Nicola Jordan  
Date: 14 March 2023  
Direct Line: 02922 675922  
Email: [nicola.jordan@hughjames.com](mailto:nicola.jordan@hughjames.com)

Dear Madam

**Golden Square Mart Limited  
Representation to Licence Application  
23/00796/LIPN**

In summary, we note that the representation is concerned with smell emanating from the premises. We have responded to the points raised in [REDACTED] representation and should be grateful if these could be forwarded to him for his consideration.

The Director of the applicant premises was first alerted by Westminster City Council to a smell complaint in October 2022. On 19 November 2022, the premises had the extraction system cleaned down and checked for faults. The applicant had sought to respond to the concern in a more timely manner than this, but unfortunately the delay was caused by the cleaning company.

On 19 December 2022, an inspector from the Council attended the premises as there had been a smell complaint and met with the applicant to assess the degree of the odour but agreed that it was minor and allowed the applicant the opportunity to find a solution.

Please do be assured that the applicant is working towards rectifying the issue. They have accepted a quotation for a system to be installed to eradicate the smells. A copy of the system details is enclosed with this letter for your information and reassurance. The system is scheduled to be installed in early April 2023.

As you will be aware, the premises is currently licensed. The nature of the application is to extend the current basement offering of street food and ancillary alcohol onto the ground floor.

We would be grateful if you would consider the above. We hope that we have demonstrated that the approval of this application will not impact on the residential area of Golden Square. We ask that you reconsider your position and withdraw your representation. Should you wish to discuss this further, please do not hesitate to contact us.

We look forward to hearing from you.

Yours faithfully

*Hugh James*

**Hugh James Solicitors**  
Encl.



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

Schedule 12  
Part A

WARD: West End  
UPRN: 010033570697

Premises licence

Regulation 33, 34

Premises licence number:	22/04691/LIPV
Original Reference:	21/01870/LIPN

**Part 1 – Premises details**

**Postal address of premises:**  
Basement And Ground Floor  
10 Golden Square  
London  
W1F 9JA

**Telephone Number:** Not supplied

**Where the licence is time limited, the dates:**  
Not applicable

**Licensable activities authorised by the licence:**  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**  
**Sale by Retail of Alcohol**  
Monday to Sunday: 09:00 to 23:00 (On Sales)  
Monday to Sunday: 09:00 to 21:00 (Off sales)

**The opening hours of the premises:**  
Monday to Sunday: 09:00 to 23:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**  
Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Golden Square Mart Limited  
Sovereign House,  
Graham Road,  
Harrow,  
HA3 5RF

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

12774925

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

**Name:** Mr Zoothang Eau

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

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

**Licence Number:** 17221  
**Licensing Authority:** London Borough Of Tower Hamlets

**Date:** 13 July 2022

**This licence has been authorised by Miss Jessica Donovan on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

## Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
12. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
13. A 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.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. 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 or cans.
16. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
17. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
18. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
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.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.



22. No deliveries of alcohol to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
23. 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.
24. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
25. 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.
26. The number of persons permitted in the basement of the premises at any one time (excluding staff) shall not exceed 60 persons.
27. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee
28. Staff involved in the sale and supply of alcohol shall receive training in relation to licensing legislation and age challenging. Refresher training shall be conducted annually. All staff involved in the sale and supply of alcohol shall be fully conversant with the conditions contained in the Premises Licence. No member of staff will be permitted to sell alcohol until such time as they have completed the training. Records of such training shall be kept by the DPS for a minimum of 12 months and made available to the police or other responsible representative on request.
29. We will use a refusals book when the need to refuse any sale of alcohol arises whether in the shop premises or in the restaurant and in that refusals book we will note the date and time of refusal, the product attempted to be purchased, a description of the customer and whether ID was requested/suitable if it was produced, the reason for the refusal and the name and signature of the member of staff making the refusal. The DPS shall retain the refusals book for a minimum of 12 months. The incident book will be made available to the police on request. Each reported incident will be dated and signed by the person making the report and that person's name will be clearly legible alongside the signature.
30. Alcohol will only be sold in the restaurant to customers taking a table meal for consumption with that meal in the restaurant and alcohol will not sold from the restaurant for consumption off the premises. The only permitted off sales will be from the shop premises.
31. Alcohol purchased in the restaurant will be provided from the shop premises. This will be ordered via an app or with a member of waiting staff in the restaurant and brought to the consumer by a member of staff for consumption with their table meal. The consumer will not be able to purchase alcohol from the shop premises directly for consumption in the restaurant.
32. The sale by retail of alcohol for consumption off premises from the shop premises (off licence) to members of the public will cease at 2100 hours.
33. The alcohol will be kept in units in the supermarket with opaque, lockable shutters. The shutters will be closed, and locked, at 2100 hours when the off licence sales end.
34. Signage will be displayed on the locked unit advising that the off licence sales cease at 2100 hours.

35. There will be appropriate fire-fighting equipment throughout the premises.
36. The emergency exits will be marked.
37. Clear, legible signs will be prominently displayed where they can easily be seen and read by customers stating that a Challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage will be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
38. The basement 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.
39. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
40. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
41. There shall be no consumption of alcohol on the ground floor at any time.

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

None





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

Schedule 12  
Part B

WARD: West End  
UPRN: 010033570697

Premises licence  
summary

Regulation 33, 34

Premises licence number:

22/04691/LIPV

**Part 1 – Premises details**

**Postal address of premises:**

Basement And Ground Floor  
10 Golden Square  
London  
W1F 9JA

**Telephone Number:** Not supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**

Monday to Sunday: 09:00 to 23:00 (On Sales)

Monday to Sunday: 09:00 to 21:00 (Off sales)

**The opening hours of the premises:**

Monday to Sunday: 09:00 to 23:30

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

Alcohol is supplied for consumption both on and off the Premises.

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

Golden Square Mart Limited  
Sovereign House,  
Graham Road,  
Harrow,  
HA3 5RF

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

12774925

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

Name: Mr Zoothang Eau

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

Restricted

**Date:** 13 July 2022

**This licence has been authorised by Miss Jessica Donovan on behalf of the Director - Public Protection and Licensing.**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
21/01870/LIPN	New premises licence permitting the sale of alcohol from 09:00 to 21:00 Monday to Sunday.	24.05.2021	Granted Under Delegated Authority
22/04691/LIPV	Variation to extend the hours for the sale of alcohol to 23:00 and the opening hours to 23:30	12.07.2022	Granted Under Delegated Authority

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

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

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

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

**Mandatory Conditions**

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



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

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

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

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
12. 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 or cans.
13. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
14. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
15. 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.
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No deliveries of alcohol to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
19. The number of persons permitted in the basement of the premises at any one time (excluding staff) shall not exceed 60 persons.
20. The number of persons permitted to be seated on the ground floor restaurant at any one time (excluding staff) shall not exceed 40 persons.
21. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
22. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
23. Staff involved in the sale and supply of alcohol shall receive training in relation to licensing legislation and age challenging. Refresher training shall be conducted annually. All staff involved in the sale and supply of alcohol shall be fully conversant with the conditions contained in this Premises Licence. No member of staff will be permitted to sell alcohol until such time as they have completed the training. Records of such training shall be kept by the DPS for a minimum of 12 months and made available to the police or other responsible representative on request.
24. We will use a refusals book when the need to refuse any sale of alcohol arises whether in the shop premises or in the restaurant and in that refusals book we will note the date and

time of refusal, the product attempted to be purchased, a description of the customer and whether ID was requested/suitable if it was produced, the reason for the refusal and the name and signature of the member of staff making the refusal. The DPS shall retain the refusals book for a minimum of 12 months. The incident book will be made available to the police on request. Each reported incident will be dated and signed by the person making the report and that person's name will be clearly legible alongside the signature.

25. The sale by retail of alcohol for consumption off the premises from the shop premises to members of the public will cease at 2300 hours each day.
26. Alcohol purchased for consumption in the restaurant will be ordered via an app or with a member of waiting staff in the restaurant and brought to the consumer by a member of staff for consumption with their table meal. The consumer will not be able to purchase alcohol from the shop premises directly for consumption in the restaurant.
27. Any alcohol displayed for sale in the shop concession will be kept in units with opaque lockable shutters. The shutters will be closed, and locked when the premises closes.
28. There will be appropriate fire-fighting equipment throughout the premises.
29. The emergency exits will be marked.
30. Clear, legible signs will be prominently displayed where they can easily be seen and read by customers stating that a Challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage will be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
31. The basement and part of the ground floor (as shown on the plan) shall operate as a restaurant,
  - a. in which customers are shown to their table or the customer will select a table themselves;
  - b. where the supply of alcohol is by waiter or waitress service only;
  - c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table;
  - d. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

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

**The Licensing Authority have proposed an alternative wording to condition 31 which has been agreed by the applicant so as to form part of the operating schedule.**

31. The basement and the area hatched green as shown on the ground floor plan shall

operate as a restaurant,

- a. in which customers are shown to their table or the customer will select a table themselves;
- b. where the supply of alcohol is by waiter or waitress service only;
- c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table;
- d. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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.

32. The delivery of alcohol to customers to their residential address or workplace will be ancillary to the main premises use as a restaurant and shop.
33. Alcohol cannot be purchased for delivery without the purchase of food.
34. Delivery of alcohol will only be made via a third party and delivery drivers will not be engaged directly by the applicant. The applicant will ensure that any third party to which they have contracted the delivery of food and alcohol has sufficient age verification procedures in place for the sale of alcohol and has regular training for its delivery personnel on their age verification procedures.
35. The applicant will ensure that any third party to which they have contracted their delivery service have sufficient procedures and mitigation to ensure that their delivery personnel do not create public nuisance either at the premises where the delivery originates and/or at the delivery destination.
36. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
38. The premises licence will only remain valid so long as the main function of the premises is a restaurant and shop (with retail of alcohol ancillary)

**Conditions proposed by the Licensing Authority and agreed by the applicant so as to form part of the operating schedule**

39. No licensable activities shall take place at the premises until premises licence 22/04691/LIPV (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection

**Conditions proposed by the Environmental Health**

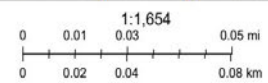
None

**10 Golden Square, London, W1**



12/04/2023, 13:57:47

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



**Resident Count:50**

Licensed premises within 75m of Basement and Ground Floor, 10 Golden Square, London, W1F 9JA				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/03783/LIPCH	Arang Restaurant	Basement And Ground Floor 9 Golden Square London W1F 9HZ	Restaurant	Monday to Saturday – 10:00 – 01:30; Sunday – 12:00 – 00:00
08/09866/LIPV	Urban Golf	33-34 Great Pulteney Street London W1F 9NT	Office	Monday to Saturday – 10:00 – 23:30; Sunday – 12:00 – 23:00
19/03264/LIPDPS	Nordic Bakery	14A Golden Square London W1F 9JG	Cafe	Monday to Friday – 10:00 – 20:00; Saturday – 10:00 – 19:00; Sunday – 12:00 – 19:00

20/04992/LIPDPS	Hachi	Ground Floor 56 Brewer Street London W1F 9TJ	Restaurant	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
16/14006/LIPRW	Kiln	58 Brewer Street London W1F 9TL	Restaurant	Monday to Friday – 10:00 – 23:30; Saturday – 10:00 – 00:00; Sunday – 12:00 – 22:30
22/06926/LIPDPS	Simmons Piccadilly Circus	Ground Floor 4 Golden Square London W1F 9HT	Public House	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
19/16029/LIPCHT	Bancone	8-10 Lower James Street London W1F 9EL	Restaurant	Monday to Friday – 08:00 – 23:30; Saturday – 08:00 – 00:30; Sunday – 10:00 – 22:30
16/13460/LIPVM	Mele E Pere	46 Brewer Street London W1F 9TF	Restaurant	Monday to Saturday – 08:00 – 00:00; Sunday – 08:00 – 22:30
22/05811/LIPDPS	The Crown	The Crown 64 Brewer Street London W1F 9TP	Public House	Monday to Thursday – 07:00 – 23:30; Friday to Saturday – 07:00 – 00:00; Sunday – 07:00 – 00:00
21/01359/LIPV	El Pastor	66-68 Brewer Street London W1F 9TP	Restaurant	Monday to Sunday – 07:00 – 01:00
06/05475/WCCMAP	Taro Kaz Restaurant	61 Brewer Street London W1F 0RH	Restaurant	Monday to Saturday – 09:00 – 01:00; Sunday – 09:00 – 00:00
21/07470/LIPDPS	Park Row	77 Brewer Street London W1F 9ZN	Restaurant	Monday to Sunday – 11:30 – 01:30

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City of Westminster

## Licensing Sub-Committee Report

Item No:	
Date:	4 May 2023
Licensing Ref No:	23/01200/LIPV - Premises Licence Variation
Title of Report:	Al-Sultan Restaurant 51 - 52 Hertford Street London W1J 7ST
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 Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	27 February 2023		
<b>Applicant:</b>	Santa Maria (London) Limited		
<b>Premises:</b>	Al-Sultan Restaurant		
<b>Premises address:</b>	51 - 52 Hertford Street London W1J 7ST	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises currently operates as a restaurant.		
<b>Variation description:</b>	<p>This variation seeks the following:</p> <ul style="list-style-type: none"> <li>To vary the layout of the plans</li> <li>To add the retail sale of alcohol for consumption off the premises.</li> <li>To add an additional condition.</li> </ul>		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2005. The current premises licence (22/09356/LIPT) can be viewed at <b>Appendix 3</b> along with the history which appears at <b>Appendix 4</b> .		
<b>Applicant submissions:</b>	<p>The applicant has provided the following submissions:</p> <ul style="list-style-type: none"> <li>A mediation email for interested parties</li> </ul> <p>A copy of the documents can be found at <b>Appendix 2</b>.</p>		
<b>Applicant amendments:</b>	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No change		Basement and Ground Floor	No change
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Seasonal Variations/ Non-standard timings:	Current: N/A				Proposed: N/A	

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No change		Basement and Ground Floor	No change
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Seasonal variations/ Non-standard timings:	Current: N/A				Proposed: N/A	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	No change		Basement and Ground Floor	No change
Tuesday	23:00	00:30				
Wednesday	23:00	00:30				
Thursday	23:00	00:30				
Friday	23:00	00:30				
Saturday	23:00	00:30				
Sunday	23:00	00:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.			No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On sales		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change		Basement and Ground Floor	No change
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	23:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Please see condition on the existing licence at <b>Appendix 3</b> .			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	No change		Basement and Ground Floor	No change
Tuesday	10:00	00:30				
Wednesday	10:00	00:30				
Thursday	10:00	00:30				
Friday	10:00	00:30				
Saturday	10:00	00:30				
Sunday	10:00	00:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	

1-C Layout alteration
<p>This variation seeks to vary the plans as follows:</p> <p>Ground Floor:</p> <ul style="list-style-type: none"> <li>Relocation and reconfiguration of bar and staircase &amp; removal of fixed furniture.</li> </ul> <p>Basement:</p> <ul style="list-style-type: none"> <li>Reconfiguration of kitchen, including the walk-in fridges;</li> <li>Relocation and reconfiguration of the staircase</li> <li>Removal of the office to allow for relocation and reconfiguration of sanitary provisions to provide 2 unisex toilets, 1 unisex DDA toilet and 1 dedicated staff toilet.</li> </ul>

1-D Conditions being added
<p>The sale and supply of alcohol for consumption off the premises shall be restricted to consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway, to persons taking table meals there and for consumption by such a person as an ancillary to his meal.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Kudzaishe Mondhlani
<b>Received:</b>	23 March 2023

I refer to the application for a Premises Licence variation. This premises benefits from a current premises licence reference 22/09356/LIPT.

This representation is based on the application form and plans provided drawing number basement floor 1588-00B-B.4\_LD dated 6/2/23 and ground floor 1588-00G-008-B.4\_LD dated 6/2/23.

The applicant is seeking the following licensable activities.

- To amend the layout of the premises

Ground floor:

- To relocate and reconfigure the bar and staircase.
- To remove fixed furniture

Basement:

- To reconfigure the kitchen, including walk-in fridges.
- To relocate and reconfigure the staircase.
- To remove the office to allow for relocation and reconfiguration of sanitary provisions to provide 2 unisex toilets, 1 unisex DDA toilet and 1 dedicated staff toilet.

- The addition of "Off" Sales on Monday to Saturday between 10:00 and 00:00 hours and Sunday between 12:00 and 23:30 hours

I wish to make the following representations in relation to the above application.

- The change of layout will have the likely impact on Public Safety and the possible increase in Public Nuisance in the area.
- The addition of "Off" sales will have the likely impact on Public Safety and the possible increase of Public Nuisance in the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety in the area. The proposed plan shows a reduction in public toilets and the toilets become self-contained therefore this will impact on any capacity proposed.

The applicant has not proposed any conditions in support of the application to address the licensing objectives. A site visit will be required and further EH conditions may be proposed.

Should you wish to discuss the matter further please do not hesitate to contact me.

<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn 04 April 2023</i> )
<b>Representative:</b>	PC Dave Morgan
<b>Received:</b>	15 March 2023

With reference to the above, I am writing to inform you that the Metropolitan Police Service, as a Responsible Authority are **objecting** to this application as it is our belief that if granted, the application would undermine the Licensing Objectives, namely, The Prevention of Crime & Disorder.

The application seeks to alter the layout for some of the ground floor and basement areas and wishes to incorporate the addition of off sales with the inclusion of the following condition:

**The sale and supply of alcohol for consumption off the premises shall be restricted to;**

**(i) sealed containers; and/or**

**(ii) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.**

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

Having looked at the current licence (22/09356/LIPT), I have noticed that it is lacking certain conditions.

To move forward, I have listed some conditions below to help update the current licence and to assist in the promotion of the Licensing Objectives.

These are:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. 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.
3. 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.
4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an

authorised officer of the City Council at all times whilst the premises is open.

5. 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.
6. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
7. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

Please let me know if you are happy to add these conditions to the current licence or feel free to contact me should you wish to discuss them further.

***Following an agreement of conditions with the applicant, the Metropolitan Police Service withdrew their representation on 04 April 2023.***

**2-B Other Persons**

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 March 2023		

This establishment has been violating the terms of its permit for outside seating consistently, with people sitting outside after 11 pm with loud music playing. We are worried about the noise and about extending hours to 12.30 am in what used to be a quiet residential area.

**Further submissions following the applicant's mediation email received on 17 April 2023:**

I am still concerned by this amendment to this licence.

[REDACTED] this business which has created constant problems and has not shown willingness to comply with regulations.

In the past both tables and people remained outside long after 11pm with loud music playing which disturbs and contributes to the deterioration of a peaceful and quiet neighbourhood.

It seems to me that this new amendment is an attempt to sidestep regulations in a manner that will be difficult to enforce.



Therefore I am not prepared to withdraw my objection.

Thank you very much for your consideration and assistance.

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Status:**

Valid

**In support or opposed:**

Opposed

**Received:**

20 March 2023

I object to the extension of the license because the addition of off-sales will increase the noise produced from the restaurant especially by the use of the outside seating by the off-sales customers. The restaurant has been anyway not following the closure of the outside space at 11pm and we had to visit them repeatedly after 11pm to request them to shut the outside music and clear the outside seating of customers.

**Further submissions following the applicant's mediation email received on 14 April 2023:**

I am very concerned with Al Sultan restaurant and their continued efforts to bypass the terms of their licences. In the message you sent me on the 11<sup>h</sup> April they proposed to:

"3. All outside tables and chairs used for the consumption of off sales shall be rendered unusable by 23.00 hours each day." This is in contradiction to the existing licence for use of the pavement which clearly states that all seating must be removed by 23:00 not just rendered unusable. I see their request as an effort to bypass the existing licencing terms.

In the past AL Sultan had customers seated in the outside space well after 23:00, did not remove the chairs in the outside seating area at 23:00 and played music well after 23:00.

In conclusion I would not agree on any alteration of the existing licencing as it will create additional noise and will also extend the period of noise.

**Name:**

[REDACTED] *(Withdrawn 14 April 2023)*

**Address and/or Residents Association**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Status:**

Valid

**In support of opposed:**

Opposed

**Received:**

10 March 2023

I wish to raise some concerns about this application to add off sales. First and foremost, the hours proposed are beyond what is usual for the area: midnight as opposed to 11pm. The preservation of the earlier cut-off time is vital to prevent additional alcohol-related nuisance and anti-social behaviour in an area already suffering from an excess of both.

In addition, the application seeks to add off sales to customers seated outside. The proposed plan shows an area marked as 'tables and chairs/pavement licence area'. These off sales should already be covered by the existing 'restaurant' condition but I propose it is amended to remove any doubt, as follows: 'Intoxicating liquor shall not be sold or supplied on the premises, including for consumption in any outside area appropriately authorised by Westminster City Council, otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal'.

Given that the premises would not get a pavement licence beyond 11pm anyway, the off sales should also be limited to 11pm, as all tables and chairs outside would be rendered unusable by that time.

The application also seeks to add off sales in sealed containers. The danger of this is that alcohol might be carried away from the premises and contribute to public nuisance elsewhere in Shepherd Market.



### 3. Policy & Guidance

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

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> <li>1. <b>Casinos:</b> Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.</li> <li>2. <b>Cinemas, Cultural Venues and Live Sporting Premises:</b> Monday to Sunday: 9am to 12am</li> <li>3. <b>Hotels:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.</li> <li>4. <b>Off licences:</b> Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</li> <li>5. <b>Outdoor Spaces:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</li> <li>6. <b>Pubs and bars, Fast Food and Music and Dance venues:</b> Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.</li> <li>7. <b>Qualifying Clubs:</b> Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</li> <li>8. <b>Restaurants:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</li> <li>9. <b>Sexual Entertainment Venues and Sex Cinemas:</b> Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</li> </ol> <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><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p>

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

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

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

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

## 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Existing premises licence 22/09356/LIPT
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

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

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

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

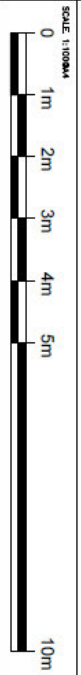
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Environmental Health Service representation	23 March 2023
<b>5</b>	Metropolitan Police Service representation <i>(Withdrawn 04 April 2023)</i>	15 March 2023
<b>6</b>	Interested Party 1 representation	12 March 2023
<b>7</b>	Interested Party 2 representation	20 March 2023
<b>8</b>	Interested Party 3 representation <i>(Withdrawn 14 April 2023)</i>	10 March 2023
<b>9</b>	Interested Party 4 representation <i>(Withdrawn 14 April 2023)</i>	15 March 2023





**KEY:**

- AMBIT OF LICENCED PREMISES
- FIRE EXIT SYMBOL
- ↔ FIRE EXIT SYMBOL ILLUMINATED
- ☐ FIRE ALARM CALL POINT
- SCA SELF-CLOSING AUTOMATIC DOOR
- AOV AUTOMATIC OPENING VENT
- ◻ AREA COVERED BY AUTOMATIC HEAT DETECTORS
- ◻ AREA COVERED BY AUTOMATIC SMOKE DETECTORS
- ◻ AREA COVERED BY AUTOMATIC SPRINKLER INSTALLATION
- ◻ AREA COVERED BY AUTOMATIC FIRE SUPPRESSION SYSTEM
- ◻ AREA COVERED WITH ESCAPE LIGHTING SYSTEM
- ▲ FIRE EXTINGUISHER CARBON DIOXIDE
- ▲ FIRE EXTINGUISHER WATER
- ▲ FIRE EXTINGUISHER POWDER
- ▲ FIRE EXTINGUISHER FOAM
- ▲ FIRE EXTINGUISHER WET CHEMICAL
- ▲ FIRE BLANKET IN CONTAINER
- ▲ DRY / WET RISER



SCALE 1:100MM

NO.	DATE	DESCRIPTION	BY	CHKD BY

DATE: 10/02/23 1:10PM  
 PROJECT: S.B  
 DRAWING NO: 1908-001-01-01-01

TITLE  
**Ground Floor Proposed**

PROJECT  
**52 Herford Street  
 London W1J 7ST**

**BLAIR-ASSOCIATES**  
 ARCHITECTURE  
 EIGHTY EIGHT BUCKINGHAM LANE LONDON W6J 8EA  
 TEL: 020 7499 4222 FAX: 020 7499 4220 EMAIL: INFO@BLAIRARCHITECTURE.CO.UK



Mediation between applicant and interested parties

**Mediation email sent to interested parties on 11<sup>th</sup> April 2023:**

Good morning,

Following your representation against the above application, the applicant's representative has asked the Licensing Service to pass on the proposed amendments to the application.

The applicant is proposing the following conditions:

1. The sale and supply of alcohol for consumption off the premises shall be restricted to (i) sealed containers; and/or (ii) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
2. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
3. All outside tables and chairs used for the consumption of off sales shall be rendered unusable by 23.00 hours each day.

If the conditions above satisfy your concerns and you wish to withdraw your representation please let us know as soon as possible.

Kind Regards

**Jessica Donovan**

Senior Licensing Officer  
Public Protection and Licensing  
Westminster City Council  
15th Floor  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

Direct line: 07815665265  
Contact Centre: 020 7641 6500  
Email: [Jdonovan@westminster.gov.uk](mailto:Jdonovan@westminster.gov.uk)  
Team E-mail: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)  
Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)

**Mediation email sent to interested parties on 14 April 2023:**

Good morning,

Further to my email sent on 11<sup>th</sup> April 2023 the applicant has now agreed to amend their original proposed condition 1 to the following:

*The sale and supply of alcohol for consumption off the premises shall be restricted to ~~(i) sealed containers; and/or (ii) alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway,~~ to persons taking table meals there and for consumption by such a person as an ancillary to his meal.*

If the conditions satisfy your concerns and you wish to withdraw your representation please let us know as soon as possible.

Kind Regards

**Jessica Donovan**

Senior Licensing Officer  
Public Protection and Licensing  
Westminster City Council  
15th Floor  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
Direct line: 07815665265  
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Email: [Jdonovan@westminster.gov.uk](mailto:Jdonovan@westminster.gov.uk)  
Team E-mail: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)  
Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)

**Mediation email sent to interested parties on 17 April 2023:**

Dear Sir/Madam

I have passed on your comments to the applicant's solicitors, who have replied as follows:

*The licence was transferred to San Marino Ltd last October, and the premises has not been open since. The previous owners and occupiers therefore have no further connection with the premises, which is currently under refurbishment.*

*It will reopen later this summer as a very smart pizzeria and my clients would be very happy to meet with you in due course. Just to be clear, my clients only acquired the lease a couple of months ago, transferred the licence and have no connection whatsoever with the previous owners and operators.*

*I do hope that assists.*

*Please feel free to contact me on the email or telephone below should it assist to discuss.*

*Yours sincerely*

**Alun Thomas**  
Thomas & Thomas Partners LLP  
38a Monmouth Street  
London WC2H 9EP  
D: 020 7042 0412  
M: 07956 805464  
W: [www.tandtp.com](http://www.tandtp.com)  
E: [athomas@tandtp.com](mailto:athomas@tandtp.com)

Kind Regards

**Jessica Donovan**  
Senior Licensing Officer  
Public Protection and Licensing  
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Team E-mail: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)  
Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)



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

**Schedule 12  
Part A**

**WARD: West End  
UPRN: 100023476258**

**Premises licence**

Regulation 33, 34

**Premises licence  
number:**

22/09356/LIPT

**Original Reference:**

05/09882/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Al-Sultan Restaurant  
51-52 Hertford Street  
London  
W1J 7ST

**Telephone Number:** 0207 408 1155

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

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**

Monday to Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

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

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

**The opening hours of the premises:**

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

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

Alcohol is supplied for consumption on the Premises.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Santa Maria (London) Limited  
C/o Fladgate Lp  
16 Great Queen Street  
London  
United Kingdom  
WC2B 5DG

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

14147027

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

**Name:** Ammar Wafaie

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

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

**Licence Number:** 05/09087/LIPERS  
**Licensing Authority:** City Of Westminster Council

**Date:** 08 November 2022

This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.

## Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

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

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

**Conditions related to the Sale of Alcohol - Basement and Ground floors as shown more particular coloured and edged in red on the deposited plans.**

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

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

**Conditions related to the Sale of Alcohol**

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



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

NOTE - The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(g) the taking of alcohol from the premises by a person residing there;

(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

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

13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

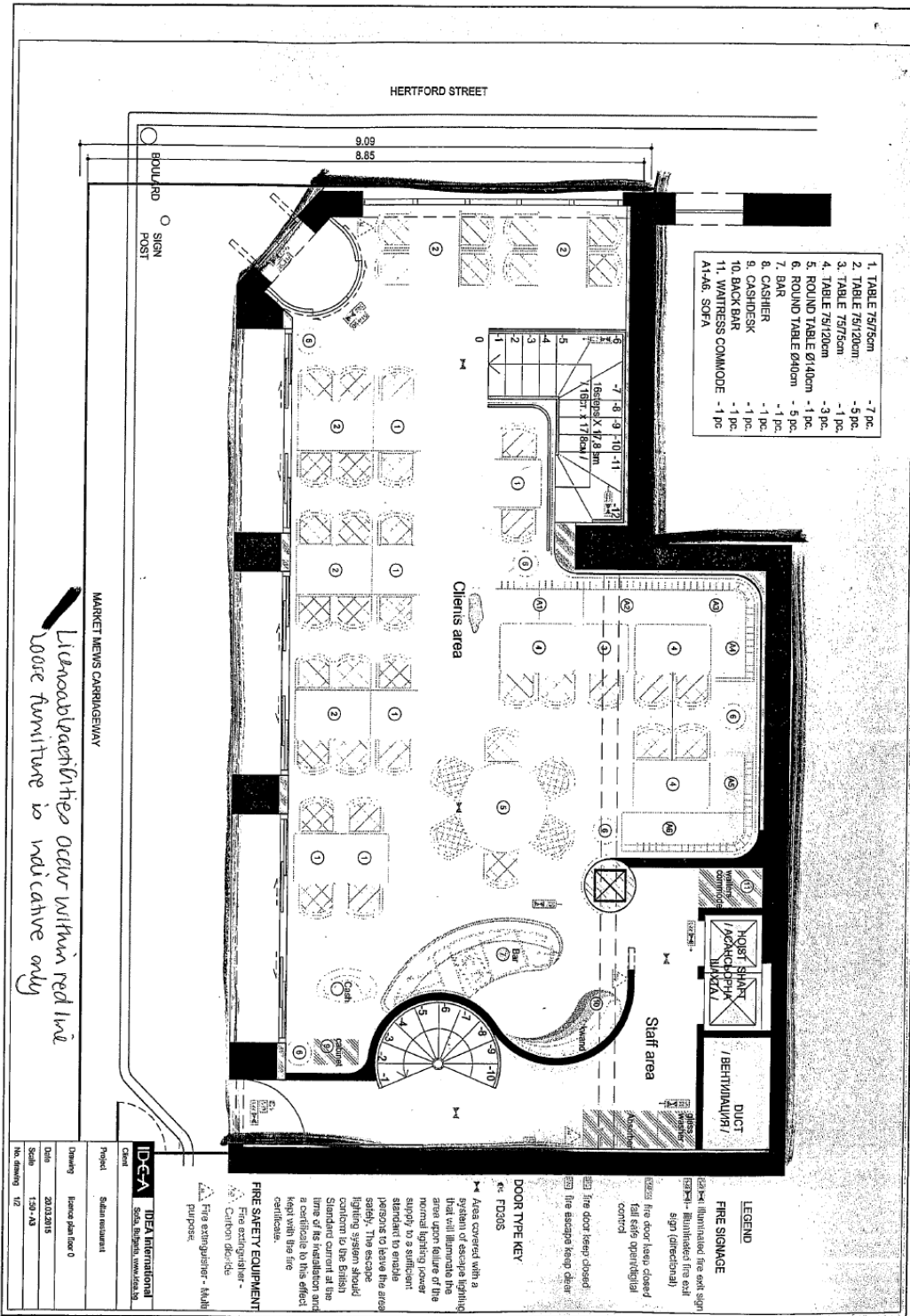
## **Annex 2 – Conditions consistent with the operating Schedule**

None

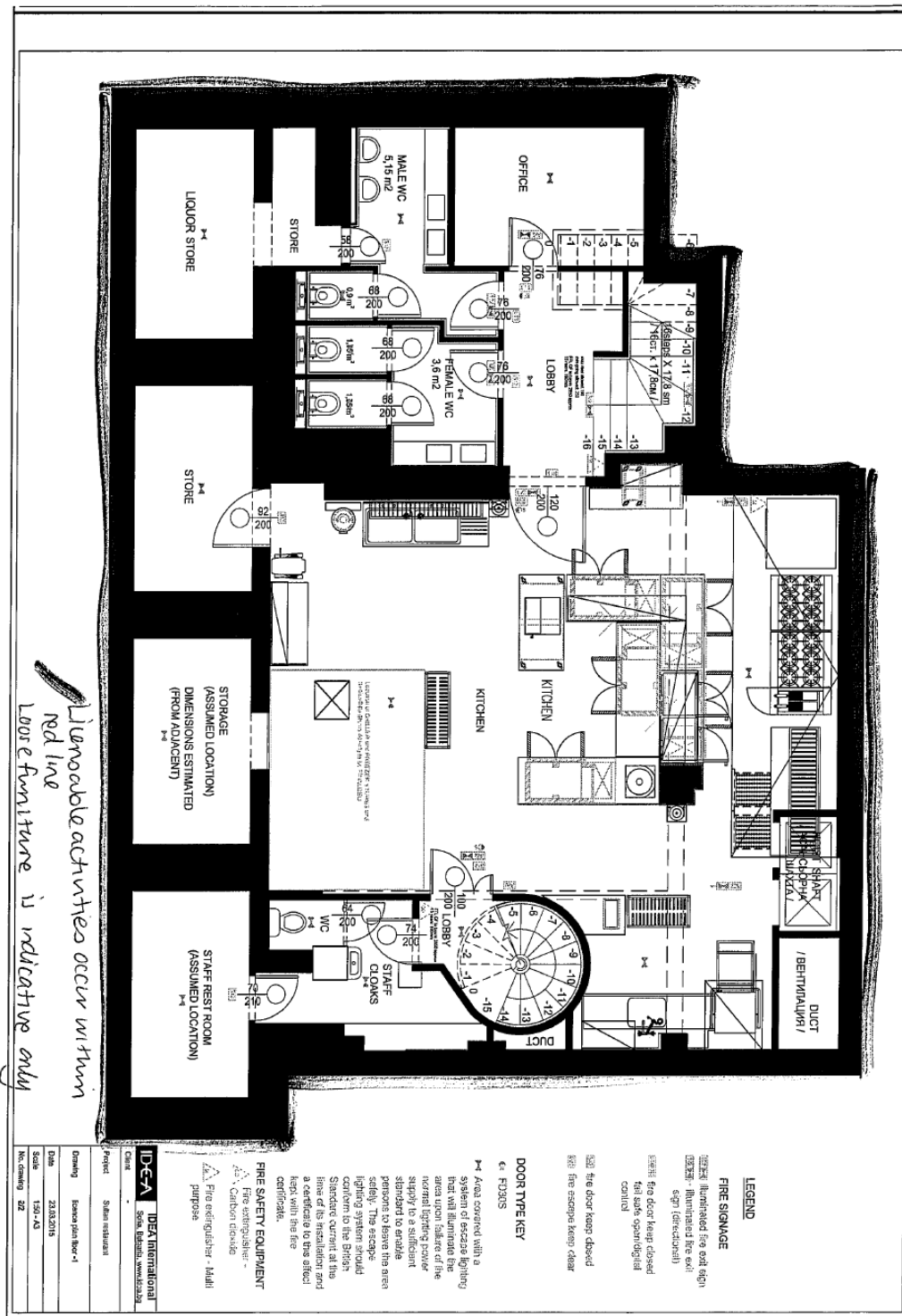
**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

Annex 4 – Plans



*Items marked in red line loose furniture is indicative only*



Dinable activities occur within  
red line  
Loose furniture is indicative only

**LEGEND**

**FIRE SIGNAGE**  
 [Symbol] Illuminated fire exit sign  
 [Symbol] Illuminated fire exit sign (directional)  
 [Symbol] Fire door keep closed sign  
 [Symbol] Fire door keep closed sign (directional)  
 [Symbol] Fire door keep closed sign (directional) control

[Symbol] fire door keep closed  
 [Symbol] fire escapes keep clear

**DOOR TYPE KEY**  
 [Symbol] FD30S

[Symbol] Area covered with a system of escape lighting that will illuminate the area upon failure of the normal lighting (power supply or automatic system) and ensure persons to leave the area safely. The escape lighting system should conform to the British Standard current at the time of its installation and a certificate to the effect kept with the fire certificate.

**FIRE SAFETY EQUIPMENT**

- [Symbol] Fire extinguisher -
- [Symbol] Carbon dioxide
- [Symbol] Fire extinguisher - Multi purpose

**IDEA International**  
 Sofia, Bulgaria, www.idea.bg

Client	Stalin restaurant
Project	Stalin restaurant
Drawing	Escape plan floor - 1
Date	23.03.2015
Scale	1:50 - A3
No. drawing	22



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

Schedule 12  
Part B

WARD: West End  
UPRN: 100023476258

Premises licence  
summary

Regulation 33, 34

Premises licence  
number:

22/09356/LIPT

Part 1 – Premises details

Postal address of premises:

Al-Sultan Restaurant  
51-52 Hertford Street  
London  
W1J 7ST

Telephone Number: 0207 408 1155

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**

Monday to Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

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

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

**The opening hours of the premises:**

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

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

Alcohol is supplied for consumption on the Premises.

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

Santa Maria (London) Limited  
C/o Fladgate Llp  
16 Great Queen Street  
London  
United Kingdom  
WC2B 5DG

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

14147027

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

**Name:** Ammar Wafaie

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

Restricted

**Date:** 08 November 2022

**This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/09882/LIPC	<p>Conversion Licence</p> <p><b>Playing of Recorded Music:</b> Unrestricted</p> <p><b>Late Night Refreshment:</b> Monday to Saturday: 23:00 to 00:30 Sunday: 23:00 to 00:00</p> <p><b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b> Unrestricted</p> <p><b>Sale by Retail of Alcohol</b> Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:30</p>	01.10.2005	Granted under Delegated Authority
06/05145/WCCMAP	Master Licence	01.10.2005	Granted under Delegated Authority
10/01425/LIPCH	Change of details	20.04.2010	Granted under Delegated Authority
15/02213/LIPVM	Application for a minor variation – Change of layout	17.04.2015	Granted under Delegated Authority
22/09356/LIPT	Transfer application - Alsultan Ltd to Santa Maria (London) Limited	19.10.2022	Granted under Delegated Authority

**There is no appeal history**



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

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

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

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

**Conditions: On Current Licence -**

**Mandatory:**

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

or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

**Conditions related to the Sale of Alcohol - Basement and Ground floors as shown more particular coloured and edged in red on the deposited plans.**

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

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

**Conditions related to the Sale of Alcohol**

11. Alcohol may be sold or supplied:
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
  - (c) On Christmas Day: 12:00 to 22:30;
  - (d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.
  - (e) On New Year's Eve on a Sunday, 12:00 to 22:30.
  - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;

(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

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

13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

None

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

None

#### **Conditions proposed to be added by the applicant**

14. The sale and supply of alcohol for consumption off the premises shall be restricted to consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway, to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

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

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

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

16. 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.

17. 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.
18. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
19. 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.
20. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
21. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

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

22. The variation will have no effect until the works have been completed and inspected by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.

51 - 52 Hertford Street, London, W1J 7ST



20/04/2023, 11:09:26

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

Resident count: 232

<b>Licensed premises within 75 metres of 51 - 52 Hertford Street, London, W1J 7ST</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
22/09356/LIPT	Al-Sultan Restaurant	51 - 52 Hertford Street London W1J 7ST	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/07551/LIPDPS	Chesterfield Arms	50 Hertford Street London W1J 7SS	Public house or pub restaurant	Friday; 09:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 10:00 - 23:00   Sunday; 12:00 - 00:00   Monday to Thursday; 09:00 - 23:30   Monday to Saturday; 10:00 - 00:30
21/06706/LIPT	5 Hertford Street	55 Shepherd Market London W1J 7PU	Restaurant	Wednesday; 07:30 - 02:30   Sunday; 12:00 - 00:30   Monday to Tuesday; 07:30 - 01:30   Thursday to Saturday; 07:30 - 03:00
18/14082/LIPT	Mamounia Lounge	37A Curzon Street London W1J 7TX	Cinema	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
19/08483/LIPDPS	Curzon Mayfair Cinema	Basement And Ground Floor 38 Curzon Street London W1J 7TU	Cinema	Sunday; 10:00 - 02:30   Monday to Saturday; 09:00 - 02:30
21/00021/LIPN	Not Recorded	37A Curzon Street London W1J 7TX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
12/01130/LIPV	Mamounia Lounge	37A Curzon Street London W1J 7TX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30



21/00018/LIPN	Curzon Mayfair Cinema (Shadow Licence)	Basement And Ground Floor 38 Curzon Street London W1J 7TU	Premises Licence - Shadow Licence	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; 10:00 - 02:30
18/14075/LIPT	Curzon Mayfair Cinema	38 Curzon Street London W1J 7TY	Cinema	Sunday; 10:00 - 02:30   Monday to Saturday; 09:00 - 02:30
06/06419/WCCMAP	Sofra International Limited	19 Trebeck Street London W1J 7LX	Office	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
15/08808/LIPDPS	Al Hamra Restaurant	31-33 Shepherd Market London W1J 7PT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/09518/LIPT	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/00983/LIPDPS	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/01505/LIPT	Iran Restaurant	27 Shepherd Market London W1J 7PR	Restaurant	Sunday; 08:00 - 23:00   Monday to Saturday; 07:00 - 00:00
11/09867/LIPV	Noura	Basement And Ground Floor 16 Curzon Street London W1J 5HP	Restaurant	Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00   Monday to Friday; 10:00 - 00:30
15/08015/LIPDPS	Brasserie Al Hamra	52 Shepherd Market London W1J 7QU	Cafe	Sunday; 12:00 - 00:30   Monday to Saturday; 09:00 - 00:30

16/03441/LIPVM	Shepherds Market Fine Wine	21 Shepherd Market London W1J 7PN	Wine bar	Sunday; 12:00 - 22:30   Monday to Saturday; 08:00 - 23:00
22/02089/LIPVM	The Market Tavern	7 Shepherd Street London W1J 7HR	Public house or pub restaurant	Monday; 07:00 - 23:30   Tuesday; 07:00 - 23:30   Wednesday; 07:00 - 23:30   Thursday; 07:00 - 23:30   Friday; 07:00 - 23:30   Saturday; 07:00 - 23:30   Sunday; 07:00 - 23:00



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	4 May 2023
Licensing Ref No:	23/00523/LIPN - New Premises Licence
Title of Report:	43 Warwick Way London SW1V 1QS
Report of:	Director of Public Protection and Licensing
Wards involved:	Pimlico North
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Emanuela Meloyan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: emeloyan@westminster.gov.uk

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	27 January 2023		
<b>Applicant:</b>	Two Crazy Perros Ltd		
<b>Premises address:</b>	43 Warwick Way London SW1V 1QS	<b>Ward:</b>	Pimlico North
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Victoria
<b>Premises description:</b>	<p>According to the application form the venue will operate as restaurant.</p> <p>The premises consists of ground floor and basement with tables and chairs outside.</p> <p>The seating capacity will consist of 30 customers at one given time.</p>		
<b>Premises licence history:</b>	Historically the premises had the benefit of a premises licence under reference 05/12712/LIPN and had the benefit of sale by retail of Alcohol on and off the premises. Subsequently the licence was surrendered on 23 July 2021		
<b>Applicant submissions:</b>	Applicant has produced additional supporting documents to address Victoria Special Consideration Zone (D56)		
<b>Applicant amendments:</b>	During the consultation period the applicant has agreed to reduce the terminal hour from 23:00 to 22:30		

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>	None						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	9 <sup>th</sup> March 2023
<b>Received:</b>	Dave Nevitt
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.</p> <p>During the consultation proves Environmental Health have proposed a number of conditions to replace those contained in the operating schedule and which have been agreed by the applicant.</p> <p>The proposed and subsequently agreed conditions appear at appendix 4</p>	

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	27 February 2023
<p>Support the licence as the business is an integral component of the local community. It is incredibly important, especially in this current time of the cost of living crisis, that we support our local communities and as such I would welcome this business obtaining this licence and to continue and further add to its offering for both local residents and tourists.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	21 February 2023
<p>I saw a public notice on a window of this cafe when I visited it yesterday. My husband and I visit Iris cafe usually several times a week and we love their coffee and especially range of food they propose to us (this is not a surprise because everyone love this calm and relaxing place). Very tasty and always fresh. And service is great. Living and working in this area I think this is great idea if they can propose us a glass of wine with food, this is literally the only thing missing in this venue. We love this small place and we would like to spend more time there for our dinners and lunches there. Right now they can only propose us great food and if we would be able to order a glass of wine or beer it would make our dinners there even more and more enjoyable. We are not pub goers but instead we prefer and love small, calm and not overcrowded café/restaurants with authentic delicious food. As for now, such kind of places are missing in our area.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED]
<b>Received:</b>	21 February 2023
<p>Strongly object to another late night licenced venue in this area which has already become a honeypot for late night noise, disruption, violence, begging at tables, rowdy behaviour and</p>	

pollution from late night fast food places. Strongly object to open area for food and drink that will create significant noise on the back of the buildings - currently the only side anyone here can open the windows. That's not appropriate on an area with such a large residential population - including young children. There are enough late night places already. Pimlico local plan - as voted on and supported - does not support more nightlife or late drinking in the area.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy SCZ1 applies</b>	<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 for this application is: Victoria.</p>
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> </ol>

	<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</p> <p>15. justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</p> <ul style="list-style-type: none"> <li>- Monday to Thursday: 9am to 11.30pm.</li> <li>- Friday and Saturday: 9am to Midnight.</li> <li>- Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</li> </ul> <p>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</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>
<b>Policy RTN1 applies</b>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's</li> </ol>

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

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

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

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



## 5. Appendices

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

<b>Report author:</b>	Miss Emanuela Meloyan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: emeloyan@westminster.gov.uk

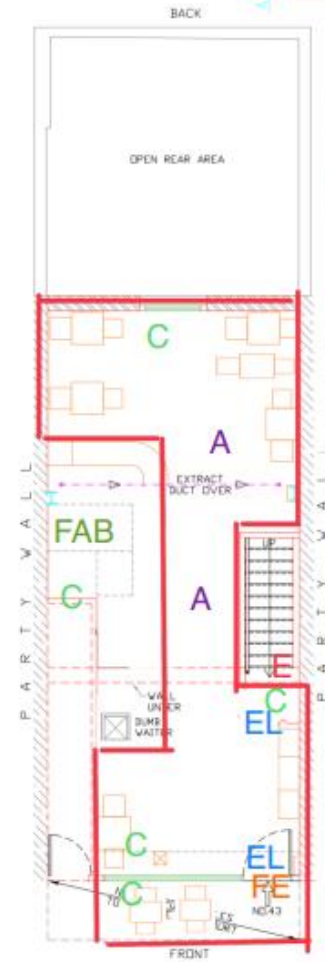
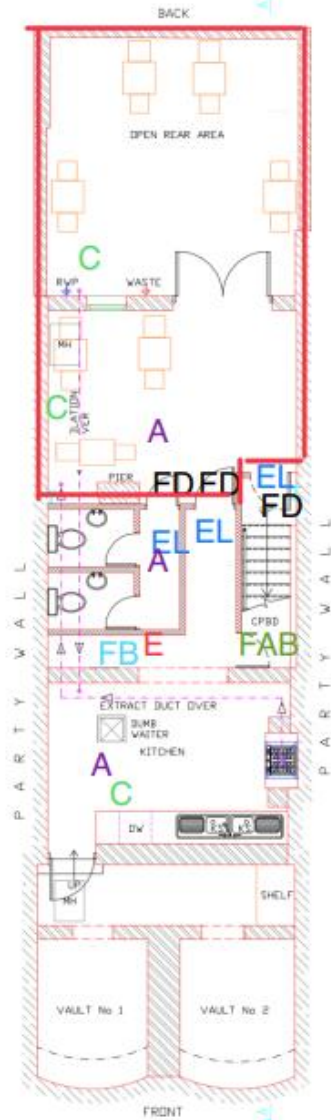
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Environmental Health representation	9 <sup>th</sup> March 2023
<b>5</b>	Interested Party representation (1)	27 February 2023
<b>6</b>	Interested Party representation (2)	21 February 2023
<b>7</b>	Interested Party representation (3)	21 February 2023

All required signs and signage are in place in the premises to ensure that locations of all type of safety equipments are visible and easy identifiable.

- NOTES**
- DO NOT SCALE THIS DRAWING. USE FIGURED DIMENSIONS ONLY. ANY ERRORS OR OMISSIONS ARE TO BE REPORTED TO THE ENGINEER IMMEDIATELY.
  - ALL DIMENSIONS ARE IN MILLIMETERS UNLESS NOTED OTHERWISE.
  - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEERING DRAWINGS, SPECIFICATIONS AND SCHEDULE OF WORKS.



Area inside the red line limits defines the area where alcohol will be served



- A = Smoke / Heat Alarms
- C = CCTV Cameras, 24/7
- E = Fire Extinguisher x2 (2 pairs - foam & carbon dioxide)
- EL = Emergency Lights
- FD = Fire Doors
- FE = Fire Exit
- FB = Fire Blankets
- FAB = First Aid Bosex

A	DATE	REVISION	BY	CHKD BY	DATE
-	-	-	-	-	-
<p><b>CLIENT</b> Mr. JOSEPH ABU KHALIL</p> <p><b>JOB TITLE</b> IRIS CAFE 43 WARWICK WAY LONDON SW1V 1QS</p> <p><b>PROJECT TITLE</b> BASEMENT &amp; GROUND FLOOR PLANS AS PROPOSED</p> <p><b>ENGINEER</b> BRYAN PACKMAN MARCEL REGISTERED CIVIL AND STRUCTURAL ENGINEER AS PER REGISTERED STRUCTURAL ENGINEER (RSE) 001 001</p> <p><b>SCALE</b> AS SHOWN</p> <p><b>DATE</b> AUG'21</p> <p><b>NO</b> 21060</p> <p><b>ISSUE NO.</b> 0-04</p> <p><b>REV.</b> A</p> <p><b>DATE</b> PK</p> <p><b>DATE</b> P.A.B.</p> <p><b>DATE</b> P.A.B.</p>					



**Two Crazy Perros Ltd (t/a Café Iris Pimlico)  
43 Warwick Way, London, SW1V 1QS**

**Application reference: 23/00523/LIPN**

**Director: Joseph Abou-Khalil**

23-02-2022

## **Victoria special consideration Zone (D56)**

*Being a responsible local business with established reputation we fully understand the importance of protecting our customers, neighbours and public and the importance of ensuring that their visit of our premises and our neighbourhood should leave them only positive emotions, feelings and memories. To achieve this goal, first of all, we need to ensure that we provide them with a safe and healthy environment and that we follow established rules and regulation (including licensing conditions) properly and responsibly. Additionally the steps we intend to take to promote our four licensing conditions, we would like to ensure that we fully understand the need to address particularly and specifically such local issues as violence at night, antisocial behaviour, theft and noise as well as any incidents related to overconsumption of alcohol (eg. intoxication, injuries, assaults) and we intend to achieve this by the implementation of mitigation measures described below.*

- **Serious violence at night: To ensure that no kind of violence happens in or out of our premises we will ensure that the following mitigation measures are in place and we only positively contribute to our local community:**
  1. Alcohol (including drinks containing alcohol; here and after mentioned as 'alcohol') in our premises will be sold till 10.30pm and consumption will be allowed till 11pm when our premises will be

closing. The DPS will permit customers to finish their drinks and food and leave the premises in an orderly manner.

2. All members of the team/staff will ensure that all customers leaving our premises in a suitable condition (able to walk stable, not completely drunk, behave appropriately and in a civilised manner). Additional training will be provided to all members of staff. If a client isn't in a suitable condition, a client will be advised to not drive and leave unaccompanied and will be advised to use taxi/uber to ensure health and safety of the client. Members of staff and DPS will ensure that when clients leave our premises, no violence, no anti-social behaviour or nuisance outside our premises is happening. A facility will be provided for customers to order taxi/private hire vehicles and telephone numbers and names of companies will be displayed in a suitable location.
3. All 'abnormal', suspicious and antisocial behaviour will not be tolerated in our premises and in unlikely event of such behaviour, a client may or will be asked to leave our premises. All members of our staff will be trained on how to manage such situation and how to implement an appropriate action plan.
4. 24/7 CCTV cameras and special signage are in place. CCTV covers inside and outside of our premises. This will help to deter anyone intending to become violent from their intention and action.
5. Our premises will try to join the local pubwatch or/and other local crime reduction schemes approved by police.

- **Antisocial behaviour at all times of the day (street drinking and begging): Level, reputation and concept of our business does highly depend on this factor. We want to keep 'style' and reputation of our business on the highest level (as it is for now) and we are intending to ensure that the following mitigation measures are in place:**

1. Alcohol consumption in our premises will be allowed only with food.
2. Entrance to the premises is controlled at all times by our members of staff in person as well as 24/7 CCTV and by Designated Premises Supervisor. This will mitigate unlikely events of begging inside and outside our premises.
3. Our business concept assume that alcohol will be consumed with food only; additionally each table always gets a free water available at all time as an additional measure to mitigate of unlikely event of overconsumption of alcohol. This will help to prevent any anti-social behaviour related to alcohol consumption.

4. Alcohol units and prices will be displayed on a menu and customers will be made aware about them and units will be as follows: beer, ciders - 0.5 pint; gin, rum, vodka, whisky and similar - 25ml or 35ml; wines will be sold in a glass of 125ml. This will help to mitigate such factors as overconsumption of alcohol, inappropriate and anti-social behaviours related to issues with alcohol and also will be a mitigating measure to ensure that alcohol consumed in a limited amount. Knowing units is very helpful to members of our staff to control the level of alcohol consumption to prevent any issues related to alcohol intoxication and overconsumption.
  5. Designated premises supervisor is always on watch and in the premises to ensure that licence conditions are followed in full and to support members of staff.
  6. Members of our staff will be additionally trained regarding licence conditions. Members of staff and DPS will have and follow policies in place: when not to accept or serve a client, how to control alcohol consumption, how to manage dispute situation, age verification policy and procedures, about permitted and prohibited activities, emergency actions, health and safety as well as safeguarding.
  7. A notice will be displayed at the entrance to the premises which states that 1) entry to the premises will be refused to any person who appears to be drunk, acting in a threatening manner or is violent. 2) entry to the premises will be refused to any person who has been convicted of an offence of drunkenness or antisocial behaviour, violent or threatening behaviour, or the use or distribution of illegal substances. 3) incidents of crime and disorder will be reported to the police. 4) people under 18 will not be served alcohol or any alcohol containing drinks.
  8. We will display a notice which inform customers that open drinks, bottles and glasses may not be taken off the premises.
- **Incidents relating to ambulance call outs to the locations of licensed premises for intoxication, injury related to intoxication and/or assault: To minimise any probability of the alcohol intoxication and behaviour related to intoxication or overconsumption of alcohol (this also includes any offensive and insulting behaviour) we put in place the following measures:**
    1. We forbid any irresponsible promotions or any events/actions promoting irresponsible drinking (this also includes free alcohol drinks) in our premises at all time. Any unspecified quantities of

alcohol is not supplied to customers. All quantities are displayed in our menu and we ensure that customers are aware of them.

2. Free water is always supplied to the clients. Portable water is available at all time.
3. Strict age verification policy is in place and all members of staff are properly trained (this includes an action plan on why, how and when to carry out a verification checks)
4. Alcohol with price less than a permitted price is not sold in our premises.
5. Any supply of alcohol will be made and authorised by the DPS and/or a manager. Alcohol will be supplied with food only (this is our policy) and free water is supplied to each table. Strict age verification policy and procedures/action plan will be in place.
6. Alcohol units and prices will be displayed on a menu and customers will be made aware about them and units will be as following: beer, ciders - 0.5 pint; gin, rum, vodka, whisky and similar - 25ml or 35ml; still wines will be sold in a glass of 125ml. This will help to mitigate such factors as intoxication, inappropriate and anti-social behaviours related to issues with alcohol and also will be a mitigating measure to ensure that alcohol consumed in a limited amount. Knowing units is very helpful to members of our staff to control the level of alcohol consumption to prevent any issues related to alcohol intoxication and overconsumption. All members of staff will be additionally trained on how to control level of alcohol consumption and how to apply relevant action plan.
7. Customers who appear and/or are suspected to be drunk or under the influence of any substances will not be served with alcohol and, depending on each individual case, access to our premises may be declined. Customers who express any kind of inappropriate behaviour will be declined entrance. This will help to mitigate any events resulting in injuries or assaults. All members of staff will be trained in how to respond to such cases and what actions to take.
8. Empty glasses and bottles will be collected regularly in an appropriate time when customers finished their drinks.
9. Written records of all accidents and safety incidents (including those involving members of public, guests, staff, customers etc) will be kept. This will be available at the request of an authorised officer.

- **Theft and noise at night: To contribute to the safety and health of our local community and maximum mitigate any opportunity and possibility of theft or nuisance (including noise), we will place the following mitigation measures in place:**
  1. Alcohol (including drinks containing alcohol; here and after mentioned as 'alcohol') in our premises will be sold till 10.30pm and consumption will be allowed till 11pm when our premises will be closing. The DPS will permit customers to finish their drinks and food and leave the premises in an orderly manner.
  2. All tables will be provided/installed with an additional 'property clips' to mitigate theft of bags. Customers will be made aware about clips and their purposes.
  3. We will also use some chairs with rounded rather square backs to deter customers to hand their bags, jackets and other property on them.
  4. Hangers for cloth will be installed in vicinity of tables so customers can be near them and to ensure the limit of people who can potentially access the area of where property (bags, cloth, jackets etc) is left/stored.
  5. We will arrange our furniture layout to reduce opportunities for crime or theft and ensure staff are trained to be alert to all non-customers approaching tables or place where property stored/hang at all times. The presence of staff in the tables and chairs area will also act as a deterrent as well as ensuring tables and chairs are cleaned properly and no client left their property behind/forgotten/lost.
  6. 24/7 CCTV cameras and special signage are in place. CCTV angle also covers entrances and exits, stairs, all tables, places where customers' property stored/hangs. This will help to deter anyone intending to steal from their intention and action.
  7. We will ensure that not too loud conversations or loud music is in the premises during all time
  8. Any kind of irresponsible promotions (including those involving the consumption of alcohol for goals of promotions) will not happen in our premises. This is against our business concept and against our values as a local business in our community.
  9. We will adopt a "9pm cooling down" period policy where music volume will be significantly reduced towards closing the premises.
  10. We will not use any loudspeaker outside/offside the premises. Notes/Signs about the need to respect neighbours and neighbourhood and do not produce noise will be also placed outside the premises to ensure that when people waiting, talking or leaving the premises, they do it without nuisance to the neighbours and neighbourhood.

11. A direct phone number of the manager/DPS of the premises will be publicly available at all times the premises is opened. This phone number is to be made available to residents and businesses in vicinity.
12. A clear notice will be displayed at every exit from the premises to instruct customers to respect the needs of the local residents and leave the premises and the area quietly.
13. Noise from music, conversations of customers, and associated sources will not be audible in noise sensitive premises, especially after 9pm.
14. Unless contrary to fire precautions/procedures, all access and egress doors and windows will be kept closed after 9pm.
15. The DPS will carry out observations in the vicinity of the premises on at least hourly intervals between 7pm and 11pm in order to establish whether a noise breakout from the premises. If the observation a noise breakout at a level likely to cause disturbance to the neighbourhood, DPS will make sure that the level of noise is corrected (to the maximum lower level).



<b>Premises Licence 05/12712/LIPN</b>			
<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/12712/LIPN	New premises licence application for the sale of alcohol	16.02.2006	Granted by Licensing Sub-Committee
14/01940/LIPV	A full variation application to allow both on and off sales of alcohol	25.09.2014	Granted by Licensing Sub-Committee. (License surrendered 23rd July 2021)

**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.

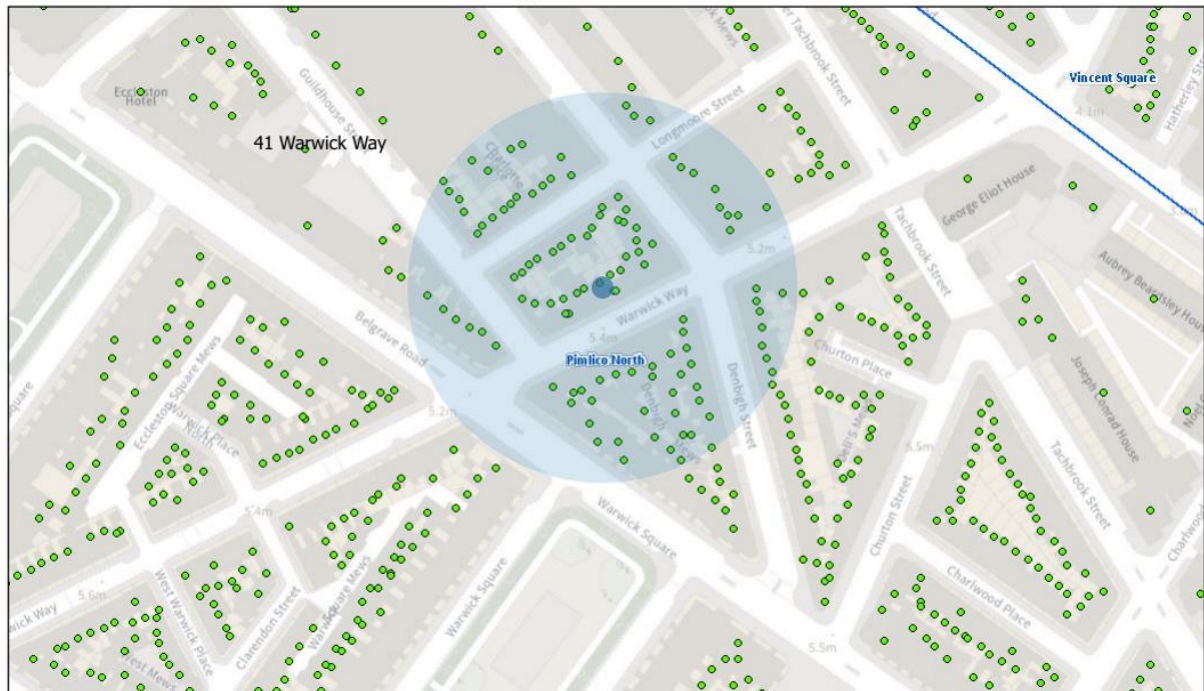
**Conditions proposed by the Environmental Health to replace the conditions proposed by the applicant. All conditions agreed by the applicant and to form part of the operating schedule.**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

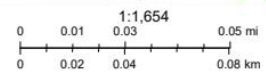
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
12. All outside tables and chairs shall be rendered unusable by (22.00) each day.
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. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
15. The number of persons permitted in the Basement at any one time (excluding staff) shall not exceed (X) persons. (to be specified by EH)
16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
18. 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.
19. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
20. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
21. The supply of alcohol at the premises shall only be to a person seated at a table.
22. The supply of alcohol shall be by waiter or waitress service only.

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



Resident count: 197

Licensed premises within 75m of 43 Warwick Way, London, SW1V 1QS				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/12028/LIPT	Cyprus Mangal	45 Warwick Way London SW1V 1QS	Restaurant	Sunday – Thursday – 12:00 – 00:00; Friday – Saturday – 12:00 – 01:00
10/03478/LIPDPS	Uno Restaurant	Ground 1 Denbigh Street London SW1V 2HF	Restaurant	Monday to Saturday – 10:00 – 23:30; Sunday – 12:00 – 23:00
10/02355/LIPDPS	Night Spot	38 Warwick Way London SW1V 1RY	Shop	Monday to Saturday – 08:00 – 23:30; Sunday – 10:00 – 23:00
07/00638/WCCMAP	Paradise Indian Restaurant	Paradise India	Restaurant	Monday to Saturday – 10:00 – 23:30; Sunday – 12:00 – 23:00
20/11051/LIPV	Eureka	Basement To Ground Floor 46 Warwick Way SW1V 1RY	Shop	Monday to Sunday – 10:00 – 23:00

22/12119/LIPDPS	Marquis Of Westminster	50 Warwick Way London SW1V 1RY	Public House	Monday – Thursday – 10:00 – 23:30; Friday – Saturday – 10:00 – 00:00; Sunday – 12:00 – 22:30
22/09411/LIPT	The Prince Of Wales Public House	91 Wilton Road London SW1V 1DW	Public House	Monday – Thursday – 10:00 – 23:30; Friday – Saturday – 10:00 – 00:00;
22/10485/LIPN	Kazan	93-94 Wilton Road London SW1V 1DW	Restaurant	Monday to Saturday – 10:00 – 23:30; Sunday – 12:00 – 23:00
17/02875/LIPDPS	Seafresh Restaurant	80-81 Wilton Road London SW1V 1DL	Restaurant	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
07/00510/WCCMAP	About Thyme Restaurant	82 Wilton Road London SW1V 1DL	Restaurant	Monday to Saturday – 10:00 – 23:30; Sunday – 12:00 – 23:00
23/02389/LIPRW	The Warwick	25 Warwick Way London SW1V 1QT	Restaurant	Sunday – Wednesday – 08:00 – 23:30; Thursday to Saturday – 08:00 – 01:30
20/01486/LIPCHT	Hatch 77	77 Wilton Road London	Restaurant	Monday to Saturday – 10:00 – 00:00; Sunday – 10:00 – 00:00
16/13842/LIPVM	Lorne Restaurant	76 Wilton Road London SW1V 1DE	Restaurant	Monday to Saturday – 10:00 – 00:00; Sunday – 12:00 – 00:00
07/01079/WCCMAP	Victoria Stanley House Hotel	19-21 Belgrave Road London SW1V 1RB	Hotel	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00

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