

Committee Agenda

Title:

Licensing Sub-Committee (1)

Meeting Date:

Thursday 1 February 2024

Time:

10.00 am

Venue:

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

Members:

Councillors:

Aziz Toki (Chair) Iman Less Melvyn Caplan

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 any further information, please contact Sarah Craddock, Committee and Councillor Co-ordinator.

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

AGENDA

PART 1 (IN PUBLIC)

1. **MEMBERSHIP**

To report any changes to the membership.

2. **DECLARATIONS OF INTEREST**

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

Licensing Applications for Determination

1. **BASEMENT AND GROUND FLOOR, 9 BERWICK STREET,** W1F 0PJ

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End West End*	Basement and Ground Floor 9 Berwick Street W1F 0PJ	New Premises Licence	23/07557/LIPN
None**	Will of G		

(Pages 1 -64)

^{**} Special Consideration Zone

2. 30 OLD BURLINGTON STREET, W1S 3AP

(Pages 65 -86)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.				
West End None*	30 Old Burlington Street W1S 3AP	New Premises Licence	23/07936/LIPN				
*Cumulative Impact Area ** Special Consideration Zone							

3. 31 WARDOUR STREET, W1D 6PT

(Pages 87 -130)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.				
St James's West End*	31 Wardour Street W1D 6PT	New Premises Licence	23/07475/LIPN				
None**							
*Cumulative Impact Area ** Special Consideration Zone							

Stuart Love Chief Executive 25 January 2024 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:

Friday and Saturday:

Sunday:

O9:00 hours to 24:00 hours

09:00 hours to 24:00 hours

09:00 hours to 22:30 hours

O9:00 hours to 22:30 hours

O9:00 hours to 22:30 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:

Friday and Saturday:

Sunday:

O9:00 hours to 23:30 hours

09:00 hours to 24:00 hours

O9:00 hours to 22:30 hours

O9:00 hours to 22:30 hours

O9:00 hours to 22:30 hours



Agenda Item 1.



Licensing Sub-Committee Report

Item No:

Date:

01 February 2024

Licensing Ref No:

23/07557/LIPN - New Premises Licence

Title of Report:

Basement And Ground Floor 9 Berwick Street

London W1F 0PJ

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:

Kevin Jackaman

Senior Licensing Officer

Contact details

Telephone: 0207 641 6500

Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises						
Application Type:	New Premises Licence, Licensing Act 2003					
Application received date:	26 October 2023					
Applicant:	The Soho Social & Co Limited					
Premises:	Soho Social					
Premises address:	Basement And Ground Floor	Ward:	West End			
	9 Berwick Street London	Cumulative Impact Area:	West End			
	W1F 0PJ	Special Consideration Zone:	None			
Premises description:	According to the application form the premises intend to trade as a cafe/restaurant					
Premises licence history:	There is no licence history for the premises however a previous licence application was refused by the Licensing Sub Committee in October 2023. The premises have also had the benefit of a number of temporary event notices. A full licence history and Temporary Event Notice history for the premises appears at appendix 3.					
Applicant submissions:	The applicants supporting documents appear at appendix 2					
Applicant amendments:	The applicant has agreed an amended condition with The Metropolitan Police and on that basis the Police did not raise a representation to the application. The amended condition appears at appendix 4					

1-B Proposed licensable activities and hours								
Sale by retail of alcohol On or off sales or both: On only						On only		
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: The premises may remain open for the sale of alcohol from the terminal hour on New Year's Eve through to the commencement time on New Year's Day.					hol from the			

Hours premises are open to the public								
Day:	Mon	Tues	3	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	0	10:0	10:00	10:00	10:00	10:00
End:	23:00	23:00)	23:00	23:00	23:00	23:00	70
Seasonal variations/ Non- standard timings:			ter	minal hour o	n New Year	open for the 's Eve throug ew Year's Da	gh to the	nol from the
Adult Entertainment:			_	one				

2. Representations

2-A Responsib	le Authorities
Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	17 November 2023

I write in relation to the application submitted for a new premises licence for Basement And Ground Floor, 9 Berwick Street, London, W1F 0PJ.

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:

Supply of Alcohol On the Premises

Monday to Saturday 10:00 to 23:00

Sunday 10:00 to 22:30

Non-Standard Timings: From the end of permitted hours on New Year's Eve to

the start of permitted hours on New Year's Day.

Opening Hours to Public

Monday to Saturday 10:00 to 23:00 Sunday 10:00 to 22:30

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

The Licensing Authority notes within the operating schedule that the intended use of the premises is a Café/Restaurant within core hours. Therefore, this application falls under Westminster's RNT1 (B) Policy which 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.

As mentioned above the application and operating schedule does fall within core hours under HSR1. This policy states '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.'

The Licensing Authority notes that the applicant has proposed the below condition within their operating schedule.

- 1. The premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
- (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 using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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 encourages the applicant to consider an amended Westminster's model condition 66 to include the below.

MC66 The premises shall only operate as a restaurant,

- (i) in which customers are shown to their table or the customer will select a table themselves.
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
- (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary

to taking such meals.

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

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

It is noted on the plans that there is a bar area as you walk into the premises on the right. The Licensing Authority would like further submissions the operation of this bar ie is it a holding bar where people wait to be seated and will there be any seats at this bar or is it a vertical drinking bar?

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

The Licensing Authority notes that a previous application was submitted and refused at Licensing Sub-Committee on the 5th October 2023 as members came to the decision that the Public Nuisance Licensing Objective would be seriously undermined. Can the applicant provide further details as to how they have looked at rectifying these concerns within this application?

The Licensing Authority may reference the full decision once it has been published and submit further submissions in due course.

The Licensing Authority would like the applicant to provide answers to the questions above so the application can be assessed further and against any other relevant policy considerations.

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

Please accept this as a formal representation.

Responsible Authority:	Environmental Health
Representative:	Anil Drayan
Received:	22 November 2023

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

The applicant has submitted plans of the premises, dated 7 June 2023, showing the basement and licensed area on the ground floor.

The following licensable activity is being sought:

1. Supply of Alcohol 'On' the premises between 10:00 to 23:00 hours Monday to Saturday and 10:00 to 22.30 Sunday. Also New Years Eve extension through to the commencement time on New Year's Day.

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

submitted:

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

Environmental Health also makes the following further comments:

• The premises previously operated as a retail shop and this proposed use may result in nuisance from the internal transfer of noise to other users within the building block. The applicant is therefore requested to provide information, such as in an acoustic report, to demonstrate this is unlikely to occur - standards to be achieved are outlined in Appendix 11 of Westminster's Statement of Licensing Policy.

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

2-B Other Per	2-B Other Persons		
Name:			
Address and/or Res	sidents Association:		
Received:	06 November 2023 (Sup	oport)	
Basement and Grour Since the opening of	nd Floor at 9 Berwick St, I the bar restaurant it has	had a minimal impact upon me.	
I could hear their must The street already hat after all in Soho and a noise. I am sure that	sic playing all day. With re as a certain degree of nois anybody living in the area	ffled noise. When the previous tenants were there egard to customers leaving the premises at night. se from the other licensed premises. We do live a must except that there will be a certain degree of their power to ensure that customers leaving their oise to a minimum.	
The area has seen a number of hospitality venues close since the end of Covid. New businesses opening should be encouraged as they are the life blood of the area. The owners of Soho Social have been extremely forthcoming about the nature of the venue and have done their best to inform their neighbours about all developments.			
I therefore strongly support their application for a licence.			
Name:			
Address and/or Residents Association:			
Received:	13 November 2023 (Op	posed)	
	a licence before the sub-	in the application situated at 9 -committee is essentially the same as previously /LIPN and in the whole can be simply looked at as	

an 're-submission following the refusal of that application.

- 2. As a resident I am acutely aware of the noise and nuisance licensed premise often create and in a narrow street such as Berwick St the noise is amplified even more travelling upwards to the residential premises both above, to the side and also across the street where there are over sixty social housing flats within tens of metres of the premises.
- 3. The street itself is all but closed to traffic and therefore any transport by way of taxi's & licensed vehicles must congregate either in Peter Street or at the northern end of Berwick St. Both are impractical for such pick-up points.

It is my view that the original decision by the Licensing sub-committee on 5th October 2023 is correct in refusing the application specifically:

The Sub-Committee concluded that granting this application would add to cumulative impact and would specifically undermine the public nuisance licensing objective.

I submit that the Sub-Committee took the correct view that the right balance was struck when considering the needs of those residents living above and around the 9 Berwick St premises and the global impact granting such an application would have on the area as a whole.

I would further submit that the Applicant has no new grounds for further consideration as the Applicant has produced no further facts or arguments and that the facts and issues are essentially the same as were considered by the previous Licensing sub-committee. While there is a slightly earlier terminal hour than the previous application, it should be noted that the previous application was amended at the hearing to be broadly in line with what is proposed

The current matter before the sub-committee therefore turns on whether there are any new facts in question and whether these would be sufficient to provide an alternate decision. There are no new facts.

Accordingly, I would respectfully request that the decision of the previous sub-committee remains and that the application is rejected as there is no material difference to warrant any other outcome.

Name:			
Address and/or Residents Association:			
Received:	11 November 2023 (S	er 2023 (Support)	

I'm writing to offer my support for the application to permit the provision of the sale by retail of alcohol by THE SOHO SOCIAL & CO LTD at 9 Berwick Street, London, W1F0PJ.

As a local resident and an advocate for small independent businesses, I believe that establishments like THE SOHO SOCIAL will contribute significantly to the vibrant and divers character of our community.

Soho is renowned for its unique atmosphere, attracting a mix of locals and visitors alike. It is crucial to foster a balance between catering to the interests of the community and encouraging entrepreneurship. THE SOHO SOCIAL represents a positive addition to our neighborhood, and we are confident that it will enhance the cultural richness of Soho without compromising the peace and harmony of the area.

Unlike other parts of Soho, THE SOHO SOCIAL is positioned to serve the needs of the local community, providing a welcoming space for customers to socialise and enjoy the company of friends and neighbours. We appreciate that the establishment is not seeking to contribute to the saturation of late-night licenses in other parts of Soho, but rather intends to create a unique and responsibly operated venue that aligns with the preferences of local residents and visitors alike. Supporting small, independent businesses is integral to maintaining the character and charm of Soho. THE SOHO SOCIAL has demonstrated its commitment to this ethos, and we believe that granting the necessary license will not only benefit the business but also contribute positively to

the overall vitality of Soho.

We trust that the licensing authorities will consider the genuine support from local residents like us in the decision-making process. We are confident that THE SOHO SOCIAL will uphold the standards expected of a responsible business, and we look forward to the positive impact it will have on our community.

Thank you for your time and consideration.

Name:		
Address and/or Res	idents Association:	
Received:	15 November 2023 (Support)	

To whom it may concern, I am writing this letter in support of Soho Social's application of alcohol license.

and can say that even during the period when constructing their restaurant and bar, i heard minimal noise from their construction, and in all encounters the Soho Social team were considerate, welcoming, and hospitable.

Having lived here for over two years, i can say that there is constant noise and bustle in the area from other local bars, pubs, and worse of all, the rick-shaws that blare music until the early hours of the morning, along with the hoards of people leaving the local clubs at 2-3am, sometimes even later.

With this in mind, i feel that Soho Social's addition to the community and the array of cafe's, bars and restaurants, and their ability to sell alcohol within licensed hours would not cause any further disruption to it's neighbouring flats, given that there is already an array of restaurants and bars serving on this very same street just doors away. Not to mention the local co-op store which encourages drinking on the streets, leading to the streets being littered with empty cans and bottles.

Given the above, i think that there should be further consideration for their application, as there should be a middle ground where both hospitality and community meet, especially here in Soho.

Name:			
Address and/or Residents Association:			
Received:	23 November 2023 (C	Opposed)	
O-1-1-16-6			

On behalf of the extended hours to 11pm (10:30 on Sunday).

The premises are in a mixed use area, with a significant number of residential occupiers.

have residential units directly above the premises, including family units. We also have a number of other residential buildings in close proximity.

The proliferation of licensed premises, especially those with late licenses directly affects the amenity of local occupiers. Granting this license would only exacerbate the situation and could potentially result in residential occupiers leaving the area. The cumulative impact bringing noise, disruption, late night servicing and general loss of amenity as well as the potential health and safety issues to local residents is a huge concern.

We strongly oppose the application and ask that it to be refused.

Name:		
Address and/or Res	idents Association:	
Received:	04 November 2023 (S	Support)
Grant the license and	save Berwick Street!!	
Name:		
Address and/or Res	idents Association:	
Received:	09 November 2023 (C	Opposed)
This appears to be identical to an application made a few months ago by the same applicant that was refused. The proper approach is an appeal not to make repeated applications. This application should not proceed as its an abuse of process. Residents shouldn't have to spend half their lives appearing at 64 Victoria Street in order to be able to sleep at night. Please ask the applicant for information on whether this application differs from the one that was recently refused and then add than information to the site. If its a repeat of the same application it should be refused as nothing has changed. On 21 November 2023 the Interested Party submitted the following additional comments I object on the same grounds I did earlier in the year 23/03810/LIPN please refer this part of berwick street has loads of residents, there is a young family living above, kemp house opposite, and there is the crime issue which is driven by all forms of over intensification as per the council's latest CIA, 2 weeks ago i awoke to yet another forensic police van on berwick street as a serious assault had taken place 10 yards from these premises, the licence should be refused on crime, public nuisance and protection of children grounds - there is a 6 month old baby living in the flat above. I note that:- "The Sub-Committee having carefully considered the matter and the evidence on its individual merits decided that the Applicant had not provided valid reasons for the granting of the application in the West End Cumulative Impact Zone ("West End CIZ") on 5 October. Its now November and nothing of significance has changed. So in addition this is an abuse of process - should have been an appeal.		
Name:		Soho Business Alliance Board
Address and/or Residents Association:		
Received:	17 November 2023 (S	Support)
representation in sup of all four licensing of	port of the above prem ojectives.	ful for the Licensing Authority's consideration of this ises licence application, based upon the promotion ed voice for all businesses in Soho, with the aim of

The Soho Business Alliance provides a unified voice for all businesses in Soho, with the aim of protecting and growing the economic diversity of the area in which we do business, through engaging with each other, our residents, other amenity groups and Westminster City Council. We currently represent almost 100 businesses in the Soho area, with hospitality, retail and property being our current focus.

Formed in 2020, initially as a forum to help each other face the unprecedented challenges of the

Covid-19 pandemic, we are now focused on partnership working through the Covid-19 recovery period and beyond. We are all committed to safeguarding Soho's iconic status as a world class destination for independent retail, cutting edge food, live entertainment and Soho's very special culture that defines our community and its unique heritage.

Soho Social have submitted an application with a very modest closing time of 11.00 pm and also included the full restaurant conditions which the City Council and residents would rightly and normally expect. The SBA believes that in its amended and re-submitted form, this application promotes the licensing objectives and would not have a negative impact on local amenity. It would provide further opportunities for employment and a varied food offer for visitors.

The SBA therefore makes a representation in support of the application and we would be grateful if you would keep us informed as regards its progress

Name:	
Address and/or Res	sidents Association:
Received:	05 November 2023 (Support)

I wholeheartedly support this application, as someone who has lived or worked i soho for 15 years i believe this is a very good addition to Soho.

As someone with a young son i have enjoyed earing there and see it as a great business. It adds to the positive character of Soho. It has the potential to be a fantastic local amenity - they are very locally and community oriented. they are a small family business - something we need far more of.

I do hope that Westminster will determine this application as a positive addition to a street that is improving positively.

Name:		
Address and/or Residents Association:		
Received: 09 November 2023 (S		ipport)

I would like to send this email in support of Soho Social to obtain their alcohol license.

Soho Social will be a great addition to our neighbourhood and to Berwick Street. Their intention is to be a neighbourhood restaurant/ bar where they are offering great discounts on food to the soho residents. As we know they would be unable to survive without the sales of alcohol so that would be a shame for them to have to close down.

Name:			
Address and/or Res	idents Association:		
Received:	09 November 2023 (C	pposed)	
I wish to object on the grounds of noise and anti social behaviour. (We already suffer noise from street parties on a regular basis from the shop next door Dunno Curated) It will be unbearable it is nightly. Please be mindful that Kemp House residents are also woken up with the market setting up at 6am. It is not fair to expect us to put up with noise for up to 18 hours a day.			nno Curated) It will be unbearable if e also woken up with the market
Name:			
Address and/or Residents Association:			
Received:	09 November 2023 (S	upport)	
I would like to send the	nis email in support of S	oho Social to ob	otain their alcohol license.
I was very much looking forward to a new venue on Berwick Street, it will be a great addition to our area. They are intending to be a neighbourhood restaurant and will cater towards local users. We know that they will not be able to trade successfully in this area without a licence and it would be a shame for them to face closure because of this.			
Name:			
Address and/or Res	idents Association:		
Received:	23 November 2023 (S	upport)	

With regard to the new licensing application for Soho Social, 9 Berwick Street, W1F 0PJ. Ref: 23/07557/LIPN, I note that the applicant has not applied for a license for "live music" nor for "recorded music".

My main concern with this type of premise so close to the residential building Kemp House, where I reside, is the impact of noise disturbance, especially from music. The application also does not indicate whether outdoor table service is to be permitted or not, and if so what role music would have there.

I would like clarification if "recorded music" as mentioned in the licensing application covers any and all forms of recorded music. In other words, without a license for "recorded music" are establishments permitted to play any sort of non-live music at all.

The noise disturbance of music coming from existing shops at this end of Berwick Street is already a major problem, during the days and into the evenings.

I therefore object to the granting of this license (Soho Social, 9 Berwick Street, W1F 0PJ. Ref: 23/07557/LIPN) if it means more noise disturbance from music spilling out into Berwick Street.

Name:			
Address and/or Residents Association:			
Received: 20 November 2023 (O			
		20 November 2023 (Opposed)	

I am contacting you in regards to the NEW licensing application, 23/07557/LIPN, which I am very concerned about.

I am repeating my objection, which I sent to you about 23/03810/LIPN since there are very few differences between this 'new' application and the previous one. Indeed the previous one was rejected by the licensing sub-committee and I fully support the decision.

It is confusing that the applicant did not appeal the previous decision and submitted a 'new' application instead, when, if I remember correctly, the hours had already been amended to the ones now proposed and still they were not granted the license. I would like to ask them to explain why this is their strategy now. While I am aware that they are allowed to apply afresh, it does feel like a waste of precious local government time and I would like to see a reasonable explanation why WCC should have to sit for a hearing again for broadly the same application.

As you can see from my address above,

and in Soho for 32 years.

The premises want to establish a Tapas bar, The Social. I entirely object to the application of another alcohol license in Soho, and in this very residential part of our Street, Berwick Street. I will outline my concerns about the application as per below:

- 1. The application seeks hours for the sale of alcohol, late night refreshment and opening hours to 10:00-23:00 Monday to Saturday and until 22:30 on Sunday. I object vehemently! a. This would only add problems to already existing antisocial behaviour taking place in conjunction with too much alcohol consumption.
- b. This part of Berwick Street is residential and must not be turned into an all day and late-night hang-out for people consuming more alcohol in Soho, where people are already urinating and being sick everywhere and causing a noise nuisance as well as an increase in crime with unassuming people falling victim to all sorts of crime while being under the influence.

In order to keep our residential area liveable and peaceful I look for the cooperation of your Authority for support - before it is too late - and to prevent that our area is lost to even more noisy and alcoholised premises. Help is needed to protect this neighbourhood from nuisance and crime and venues wanting to operate very late into unsocial hours that pose a threat to peace and safety.

Also from experience there have already been issues with other premises on Berwick Street, expanding their seating to the outside area for commercial purposes by placing tables and chairs on Berwick Street without any permission to do so and causing a nuisance in the neighbourhood. This is unfortunately another very foreseeable issue that will arise undoubtedly since most premises in Soho consider themselves to be above the law and take advantage of cost cutting in the cost of living crisis and resulting in insufficient staff from Westminster Council to properly monitor and hold them to task.

Needless to say, I would clearly object any authorisation for additional tables and chairs since it would cause.

We already experience noise nuisance on Berwick Street from customers passing by and talking loudly and the narrow street echoes and amplifies the sound far and wide. A noise nuisance from street musicians and buskers are drawn like moths to the light in great

numbers to 'entertain' customers and passers-by to establish a business patch for themselves. The knock on effect is too detrimental to our area to allow any more licenses to be dished out. Thieves and other petty criminals to be drawn to the area to home in on unassuming customers under the influence of alcoholic beverages and distractions.

I would like to kindly ask you for conditions to be added, which would address this outside issue. Equally no outside drinking ought to be allowed with the premises being a restaurant!

There is always concern that the additional footfall of drunk late night punters into Berwick Street would put too much strain on the police force in the West End; they are already very stretched. Every additional bar / restaurant that opens longer creates potential mugging and assault victims - as well as perpetrators. Gangs are already very keen to pry on the vulnerable drunk late at night in my street and to prevent crime from thriving further on our doorstep such license applications must be extremely carefully considered by WCC and maintenance of law and order in Soho must be a priority when making their decision.

I am also concerned for the safety of women at night in Soho since many a drunk man will assume most women in Soho to be for purchase and a rise in sexual harassment crime as a consequence would sadly and most predictably be the result. This risk must be avoided at all cost! Women must be protected.

The West End Entertainment Catchment Stress Area currently already accounts for a total accommodation number of 99 venues within approximately a quarter mile square neighbourhood with late night licences totalling accommodation of over 26,000 people!

Soho is already most saturated; there are over 40 venues in our neighbourhood which close after 23.00;

I trust that you will sincerely consider my concerns when you decide upon the licensing application referenced 23/07557/LIPN.

Name:			
Address and/or Residents Association:			
Received: 22 November 2023 (O		opposed)	

I am not sure whether I actually submitted my objection to the re-application by the proprietor of this property at No 9 Berwick Street?

I would like to repeat my objections in the strongest terms possible. The effrontary of the man!

He is already operating as a fully licensed bar under the TENS licensing system. This seems to me to show a real disrespect for the reasons given in full by local residents, the Soho Society, and to the members of the Licensing Committee at the recent licensing meeting when the Counsellors first refused this application.

I hope to be allowed to present the same arguments against permitting this license, a second time?

sidents Association:	Soho Society
23 November 2023 (Opposed)	

We write to object to this second application for a new café/restaurant licence on the grounds it will fail to promote the licensing objectives and will increase cumulative impact in the West End Cumulative Impact Zone.

The Committee will be aware the first application (23/03810/LIPN) was refused at the Licensing Sub-

Committee hearing on 5 October. The summary decision states:

The Sub-Committee realises that it has a duty to strike the right balance when considering the business needs of the Applicant along with those parties that had objected to the application particularly the many long-term residents who have lived in Soho for several decades (who are effectively considered Experts in their local area in terms of their invaluable experiences both Licensing premises operating in the area coupled with local knowledge and therefore well acquainted with the many issues surrounding nuisance.

The Sub-Committee took the view that the right balance has been struck when considering the needs of those residents living above the premises and the global impact granting such an application would have on the area as a whole.'

We may submit further submissions following the publication of the full decision, however, the Sub-

Committee clearly balanced the issues when determining this application. There has been a small reduction in hours and removal of off-sales but our concerns relating to noise disturbance to residents living above the premises and those living in the immediate vicinity, the impact on crime and disorder and cumulative impact has not changed.

The concern of a new licensed premises with more people consuming alcohol in the West End Cumulative Impact Zone is highlighted in the recently published draft Cumulative Impact Assessment 2023. It confirms crime levels in Westminster has reached pre-COVID levels and since the last Cumulative Impact Assessment 2020 crimes have concentrated even further in the West End.

It is extremely worrying the modelling shows an overall factor of up to 1.5, which means that for every

additional licence granted the number of undesirable behaviours expected in the area would increase by up to a multiple of 1.5. This means a 50% increase in undesirable behaviours from any one new or extended licence, similarly the figures suggest a 26% increase in reported theft for each additional licence issued for whatever type of venue: club, restaurant or café. It is unsurprising the CIA proposes a new Licensing Authority Statement which makes it clear granting further authorisations and variations in the West End Zone 1 would be inconsistent with the authority's duty under the Licensing Act 2003.

In relation to noise, it concludes,

'The number of licensed premises is a significant factor in the generation of noise complaints.' The evidence is clear any addition in the number of licensed premises and the numbers of people drinking alcohol will fail to promote the licensing objectives and increase cumulative impact. (Appendix 1 Cumulative Impact, Appendix 2 Crime and Disorder).

It therefore comes as no surprise to Soho residents when the draft CIA 2023 states, 'The West End Zone 1 is the epicentre for issues associated with cumulative impact within the

borough.' Soho is at the heart of the West End's entertainment district with its **489** licensed premises which includes a large proportion being late night, **121** (25%) licensed with a terminal hour between 1am - 6am and a **capacity of 22,827**. Since 2020 the council has granted 49 'new' licensed premises (previously unlicensed premises) with a **capacity of 4,177**, and this despite of the current CIA having made it clear that any extra capacity would increase cumulative impact. The demand for licensed premises in the West End and Soho shows no tendency to reduce.

It is highly likely that a number of customers from this premises (many of whom may well be intoxicated) will want to continue their night out in Soho, meaning that more people will be retained for longer in the area, a concern raised within Cumulative Impact Policy, D5 states, 'The retention of people late at night contributes to cumulative impact.'

If this licence were to be granted, this would mean a loss to residents and the community as a whole of

another general retail shop, in this case a clothes shop.

We note the proposed conditions, about which we have various concerns. We see that these include that there will be no vertical drinking, and, "the supply of alcohol on the premises shall only be to persons seated and eating substantial food". We are also concerned that there is no mention of the type of food on offer, beyond "substantial food", with no description. There is concern that this is going to be a bar and the high tables and chairs do nothing to ally our fears.

There is also no mention of the proposed numbers of people standing outside to smoke, music, etc, all

points we would expect to see covered in any proposed conditions.

Other concerns with the application include the proposed opening hours, stated on the application form to be 10am when their website states the premises are open for breakfast from 8am. The capacity is stated to be 40, although the plans indicate seating for 28, and a significant increase in capacity compared to the previous applications of 16.

We would also point out that, as the Committee is no doubt aware, Berwick Street has a large number of residential properties in the immediate vicinity, between Peter Street and Broadwick Street, including four flats above the proposed restaurant.

In addition in the immediate area (opposite 9 Berwick Street) is Kemp House, a high rise block of 17 floors, with four flats on each floor. In addition many of the shops have flats above them. There are also blocks of flats on Peter Street, large blocks of flats on Hopkins Street (parallel to Berwick Street). For these reasons we feel that this is an unsuitable location for a new licensed restaurant / café.

This section of Berwick Street also has a number of licensed premises, namely the Blue Posts, My Place, Red Dog, Violet's, Mediterranean Café, Flat White, the Breakfast Café, Duck and Rice, Yauatcha, some of which have tables and chairs outside. In addition of course there is Berwick Street Market, with a large number of food stalls that operate during the day.

There are very real concerns amongst residents about the ever increasing numbers of licensed premises.

Residents have been subjected to noise disturbance and anti-social behaviour that are beyond acceptable levels. They are disturbed by the late night activity as people walk by (often shouting, or arguing), noise from pedicabs, car doors slamming, horns hooting, people vomiting and urinating in the street and in their doorways. Residents are also often disturbed even if an establishment is not located directly on their street, as customers (often noisy and intoxicated) leave premises and either carry on their night out in Soho or make their way home.

We know many residents experience sleep disturbance. The Soho Society conducted a survey

which

confirms that residents are disturbed by noise at night, and say that this is having a negative impact on their lives.

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

59% of whom have lived in Soho for more than ten years.

When asked about disturbed sleep, 24% of respondents say they have their sleep disturbed seven nights a week, 16% five or six nights a week, and 19% three or four 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 3.**

In summary

This is the second application for a new café / restaurant. The first application was refused in October and we find no reason to go against the decision of the previous Sub-Committee. The onus is on the applicant to demonstrate they will not increase cumulative impact and will promote the licensing objectives. This applicant has failed to do so, and we respectfully request the Licensing Sub Committee to refuse this application.

Yours faithfully, Licensing Committee The Soho Society

Appendix 1 : Cumulative Impact **Appendix 2 :** Crime and Disorder

Appendix 3: Soho Society Sleep Survey Results

Appendix 4 : The Application **Appendix 5 :** The Soho Society

Appendix 1 : Cumulative Impact

This area has been identified by Westminster City Council as under stress because of the cumulative effect of the concentration of licensed premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the draft Cumulative Impact Assessment 2023 continues to show high levels of cumulative impact in the West End Zone 1 in 2022, it states,

'West End Zone 1 is the epicentre for issues associated with cumulative impact within the

borough.' (p.50)

The proposed Licensing Authority Statement strengthens the previous 2020 CIA statement in acknowledging the increasing and detrimental impact of the large number of licensed premises in the West End, and concludes,

'It is the view of the Licensing Authority that the number of relevant authorisations in respect

of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.' (p.80)(our emphasis)

In any application for an alcohol licence in the Cumulative Impact Zone the applicant is required to demonstrate that the application will not increase the Cumulative Impact. In the draft Cumulative Impact Assessment 2023 the modelling shows an overall factor of up to 1.5, which means that for every additional licence granted the number of undesirable behaviours expected in the area in a year would increase by up to a multiple of 1.5. This means a 50% increase in undesirable behaviours from any one new or extended licence; similarly the figures suggest a 26% increase in reported theft for each additional licence issued for whatever type of venue: club, restaurant or café. In relation to noise, it concludes, 'The number of licensed premises is a significant factor in the generation of noise complaints.'

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 SoLP 2021).

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)

It is important to note the policy relates to the global effects of alcohol licences in the whole impact zone and not just a part of it.

Appendix 2 : Crime and Disorder

The draft Cumulative Impact Assessment 2023 states by September 2022 crime in Westminster had reached pre-pandemic levels. It compared the proportion of crimes that occurred in 2022 against the period of the 2020 CIA (2017 - 2019) it indicates that 'crimes within Westminster has concentrated even further within West End Zone 1.' (p.52).

It confirmed the majority of the hotspots for the four major crime types (overnight thefts, robbery, drug offences, violence against person) were closely concentrated in the West End, stating, 'This provides further evidence to the greater prevalence of criminal offences within this area, and given the temporal nature of this analysis, also suggests that criminal activity within this area is getting worse.' (p.47)

Overall the West End Zone 1 accounts for:

- Just under 66% of all crime in Westminster
- 47% of violent crimes approximately 59% at night (most prior to and after midnight)
- 44% (968) of all overnight robberies
- Over 65% of sexual offences.
- 52% of all night time alcohol related ASB
- 74% drug offences, small clusters include Soho Old Compton Street
- 57% of all ASB call details included reference to public house/nightclub, night-time transport route,

station, hotel or restaurant establishment.

It confirms the majority of crime takes place on Friday / Saturday and Saturday/Sunday between 6pm - 6am. Overnight crime is identified as being particularly prevalent in Old Compton Street, Greek Street and Frith Street.

The levels of crime, disorder and anti-social behaviour continue to be a huge problem in Sohothe crime figures are high and rising. The police crime reports for April/May 2023 shows current levels of alcohol related assaults, sexual assaults and robberies within the West End area are now higher than at pre-COVID levels. The peak times for crime being between 10pm - 2am.

In Soho the majority of robberies take place at night, with people being targeted as they leave venues.

Alongside the robberies and assaults drug dealing is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or as they pass by. 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 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 café/restaurant at night will be at high risk of becoming victims of crime.

Appendix 3: Soho Society Sleep Survey Results - 31 October 2022

The survey conducted by the Soho Society confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

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, 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 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 530amThis noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And I have double glazing and am on [a high] floor.

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

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

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

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

Appendix 4 Application Summary New Premises Licence

The Soho Social, café / restaurant.

Alcohol: Monday - Saturday: 10am - 11pm Sunday: 10am - 10.30pm

Opening Hours: Monday - Saturday: 10am - 11pm Sunday: 10am - 10.30pm

Capacity: 40

23/03810/LIPN - previous application Alcohol : Mon - Sun: 10:00 - 23:30 **LNR** : Mon - Sun: 23:00 - 23:30

Opening Hours: Monday - Sunday: 08:00 - 00:00.

Capacity: 16 internal seats

On and Off Sales

Appendix 5

The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a

recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

Name:			
Address and/or Residents Association:			
Received:	23.November 2023 (O	pposed)	

The bulk of my objection is the same as my objection to an earlier application for the same premises, 23/03810/LIPN, which was refused at a licensing hearing last month. It is repeated below in italics.

I note that there is a small change to the hours requested in the application, but also an increase in the maximum number of customers permitted on the premises compared with the previous application.

I do not regard these changes as materially affecting the reasons given for refusal of the previous application by the licensing sub-committee in such a way as to allow for a licence to be granted. While there is a reduction, the hours applied for would still add to the potential for noise nuisance in the immediate area, as detailed below. Over a given period, it would be likely that there would be an increased number of disturbances to sleep for residents up until at least 11.20pm, when all customers would reasonably be expected to be finally dispersed.

The increase in the proposed number of customers on the premises obviously adds to the potential for noise nuisance.

The premises has utilised TENs since the licence refusal. This is disappointing. It may be that there was the intention to demonstrate that there would be no nuisance. In my view that is an inappropriate solution to what I recognise is a significant problem for the applicant. (A much earlier finishing hour may have met a different response from some residents.) But in any case, a very brief trial period could not replicate the long term reality of a permanent licence and so should not be taken into account.

I object to the granting of a premises licence for late night refreshment and supply of alcohol for Soho Social at 9 Berwick Street on the grounds of the likelihood of increased public nuisance. I am a resident of and have lived here with my family since 1997.

The application would introduce a new alcohol-based venue to a significantly residential location. The market stretch of Berwick Street has several licensed premises at the top of the market but none lower down. In this lower stretch, where 9 Berwick St is situated, there are residential properties above ground floor retail on the east side and the Kemp House tower block above retail on the west side. Residents by and large have tolerated an increase in noise from the existing licensed premises further up the street, partly due to a response to the pandemic. Even at some distance, this can have an impact. However, granting a premises licence for 9 Berwick Street would bring potential noise nuisance much closer to a larger number of residents in what is currently the quieter end of this part of the street.

Noise is often more of a problem in social housing and older flats which usually lack air conditioning. This is exactly the sort of residential accommodation in this location. When the weather is warm windows need to be opened. Any additional disturbance, especially later in the evening, will have an impact on the ability of some residents to sleep.

Visitors are often unaware of the presence of residents in the West End, and have little understanding of the impact of noise on local people. It seems that the applicant may have fallen into the same trap. The assumption often is (and councillors have been known to share

this assumption) that the West End is noisy and a little extra noise won't make much difference. This is not the case.
For one thing, noise travels further than people imagine. Ordinary conversations on Berwick Street can regularly be heard on the Passing conversations are one thing, but there is a greater impact when those talking (or worse) are static for some time. Of course, there are plenty of other sources of noise in the West End, ranging from early morning street cleaning and deliveries, through daytime construction to evening outdoor eating and drinking and late-night customers leaving hospitality and entertainment venues, together with all sorts of traffic noise, including emergency service sirens, at any hour. However, some sounds are more likely to disturb than others.
My experience is that noise from customers leaving licensed premises is one of the most common causes of disturbance. It often takes several minutes for a group to disperse. The noise level of their conversation is likely to be higher than normal due to the effect of alcohol and the volume of noise they have been exposed to within the premises they are leaving. As a result, without any intention to do so, they can disrupt the process of residents falling asleep or else actually cause residents to wake up. (Sometimes there will naturally be more than conversation, with shouting and/or singing.) Whatever the level, these concentrated periods of sharply louder sound have a disproportionate impact, especially when the general noise level in the area has reduced.
We already experience something of this effect from the licensed premises further up the street. The effect would obviously be greater if it were to be on our doorstep. There are areas of Soho in which it might be hard to argue that a similar application would make a difference to the level of public nuisance but that is not the case here. As we are in a cumulative impact area where there is an existing residential community it would be wrong to place an additional burden onto residents.
If a licence were to be granted, however well intentioned the management at times there will inevitably be loud groups outside a premises where there has previously been no regular noise nuisance (since until recently it has been a retail shop). This is clear from experience across Soho. Similar groups to that described above are common to all licensed premises. Notices of the sort proposed in the licence conditions have little discernible effect and staff have no power to move people on.
If the council grants this application it will therefore be ignoring the impact on local residents and be responsible for increasing the number of times residents will have their sleep disturbed. It is hard to see why that should be permitted.
Name:
Address and/or Residents Association:
Received: 03 November 2023 (Support)
I would like to register my support for Soho Social's licencing application. It is a real shame to

I would like to register my support for Soho Social's licencing application. It is a real shame to see the restaurant empty in the evening which leaves a gap in the vibrancy of Berwick Street. I think the council should be supportive of independent bars, restaurants and shops. Berwick Street is up and coming with some comparing it to Carnaby Street. However, where Carnaby Street has become commercialised with lots of international high street brands and chains, Berwick Street has an opportunity to have a greater mix of independent businesses and community premises.

The Soho Social is a wonderful restaurant, serving great food and makes a great addition to the

road. The owners are extremely friendly and welcoming and have made a great effort to integrate with the locals. As a neighbour I don't see it causing any additional street noise or disturbance as everything is behind the closed doors of the restaurant.

In fact as one of the quieter roads in Soho it would be nice to see a few more restaurants on the street which in many ways makes the street safer in the evenings.

Many thanks for taking time to read my comments.

3. Policy & Guidance

The following policies v	within the City of Westminster Statement of Licensing Policy apply:
Policy CIP1 applies:	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 HRS1 applies	, INTERNATION CREATE AND A STATE OF THE CREATE OF THE CREATE AND A STATE OF THE CREATE AND A STATE OF THE CREATE OF THE CREATE AND A STATE OF THE CREATE AND A STATE OF THE CREATE
Policy HRS1 applies	A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following: 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
	 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars

are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.

- 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
- 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
- 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
- 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- C. For the purpose of Clauses A and B above, the Core Hours for this application as defined within this policy are:
- 8. Restaurants

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.

Policy RNT1(B) applies

- B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:
- 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
- 2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
- 3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
- 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
- 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.
- C. For the purposes of this policy a restaurant is defined as:
- 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
- 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
- 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
- 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

4. Equality Implications

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

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

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

5. Appendices

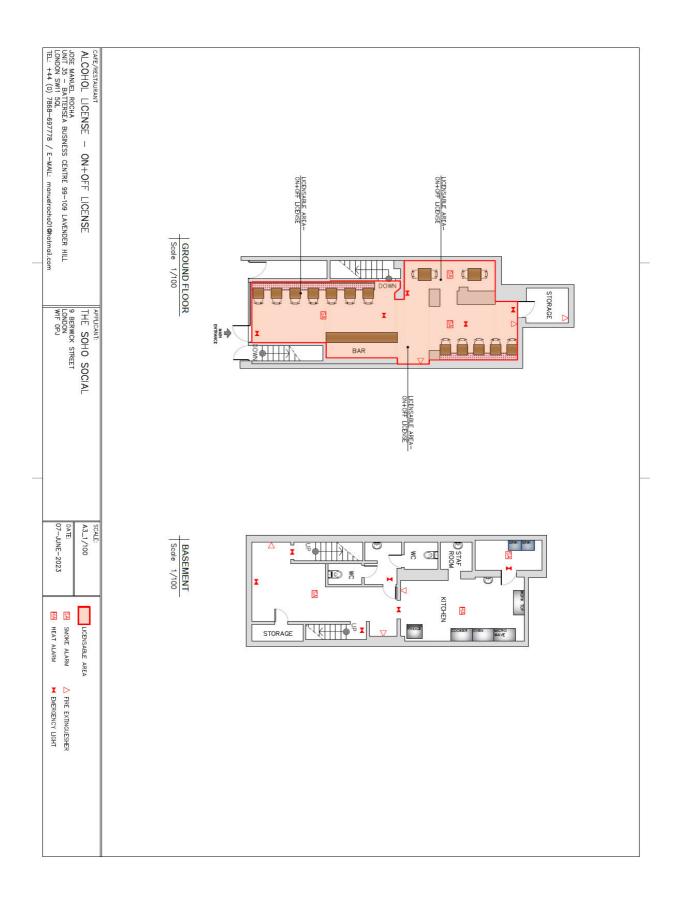
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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

Background Documents - Local Government (Access to Information) Act 1972 1 Licensing Act 2003 N/A 2 City of Westminster Statement of Licensing 01 October 2021 3 Amended Guidance issued under section 182 of December 2022 the Licensing Act 2003 4 Licensing Authority representation 17 November 2023 5 **Environmental Health representation** 22 November 2023 6 Interested Party representation (1) 06 November 2023 7 Interested Party representation (2) 13 November 2023 8 11 November 2023 Interested Party representation (3) 9 Interested Party representation (4) 15 November 2023 10 Interested Party representation (5) 23 November 2023 04 November 2023 11 Interested Party representation (6) 12 Interested Party representation (7) 09 November 2023 13 Interested Party representation (8) 17 November 2023 14 Interested Party representation (9) 05 November 2023 15 Interested Party representation (10) 09 November 2023 16 Interested Party representation (11) 09 November 2023 09 November 2023 17 Interested Party representation (12) 18 Interested Party representation (13) 23 November 2023 19 Interested Party representation (14) 20 November 2023 20 Interested Party representation (15) 22 November 2023 21 Interested Party representation (16) 23 November 2023 22 Interested Party representation (17) 23 November 2023 23 Interested Party representation (18) 03 November 2023

Premises Plans Appendix 1





PROJECT NAME & LOCATION

Environmental Health Assessment Version 1.0

Client Name DD.MM.YY

1. PERSONAL INTRODUCTION

I retired as an Environmental Health Officer at Westminster City Council in April 2023 after 41 years post qualification service. I qualified in 1982 with a Diploma in Environmental Health (EHORB). I also hold the Diploma in Acoustics & Noise Control (1984) and the BTEC Level 7 Advanced Professional Certificate in Investigative Practice (2021).

I trained and qualified at the LB Enfield (1978-1985) but have spent most of my career at Westminster City Council. I have also worked on a number of short-term contracts at: LB Southwark (24-hr Noise Team), LB Croydon (Food Team), LB Brent (Food Team), LB Camden (Food Team), LB Barnet (Food Team), LB Hillingdon (Pollution Team), LB Lambeth (Food Team).

During my time at Westminster City Council I worked as a professional enforcement officer on a variety of EH Teams: Housing, Noise, Food and Health & safety, and from 2007 – 2023 the Consultation Team as the 'Responsible Authority' (EH) under the Licensing Act 2003. During my service on the Consultation Team I dealt with applications and Reviews under the Licensing Act 2003 and provided Pre-Application Advice for operators and prospective operators of Licensed Premises. I attended and gave presentations to the City Council's Licensing Committee on numerous occasions. I was a consultee for the Licensing Service in respect of applications for Street Trading Licences in Westminster which included both 'isolated pitches' and Council operated street markets. I was also involved in the programmed inspection regime for all the street markets in Westminster.

I have been the EH representative on several Safety Advisory Groups for a number of major impact events over many years including: Notting Hill Carnival, Hyde Park Concerts, Chinese New Year, Pride, Taste London, Queen's Jubilee/Royal wedding events, various Trafalgar Sqaure events and smaller local community events such as the Marylebone Summer Fayre and Christmas Lights events – all of which involve outdoor catering and often street-based food markets/stalls.



DAVE NEVITT © COMPLETE LICENSING, 2023

2. REPORT

- I have been requested to carry out an assessment at the business trading as 'Soho Social' at 9
 Berwick Street, specifically to determine the potential for noise arising from the operation of the
 restaurant business in the ground floor and basement to impact on occupiers of the residential
 dwellings on the floors above.
- 2. I carried out a visit to the above premises on Saturday 9th December 2023 between 2115hrs and 2200hrs.
- 3. The business comprises a customer seating and dining area laid out to tables and chairs on the ground floor and toilets, kitchen and back-of-house/staff areas in the basement. The main entrance fronts onto Berwick Street. The upper floors are in residential use with occupied flats on the first, second, third and fourth floors. The building is brick-built of traditional design and construction. The front façade of the upper floors is provided with several single-glazed, traditional wooden double-hung sash windows which provide the dwellings with natural light and ventilation.
- 4. The capacity of the restaurant is 40 persons. I noted at the time of my arrival that every customer seat was occupied and that patrons were seated, consuming food and drink and engaging in conversation. Background music was being provided via small wall-mounted speakers and I noted that the volume of the music was generally similar to that of the customer conversations. It was possible for patrons to engage in ongoing conversations across tables without the need to shout or unduly raise their voices. I also noted on arrival at the premises that, with the front door shut, background music and customer conversations were not audible from within when I stood outside in Berwick Street. When the door was held in the open position, I noted that the conversations within were more audible.
- 5. On arrival at the premises, I introduced myself to the business operator. He confirmed to me that the operating arrangements at the premises were typical of a busy Saturday evening and that they were providing Licensable activities with the benefit of a Temporary Event Notice. We agreed to visit the occupier of the first-floor flat which was located directly above the ground floor restaurant dining area and accessed via a door to the left-hand side of the shop front.
- 6. The external entrance door to the upper floors opens to an internal staircase which provides access to the upper floors. The entrance door to the first-floor flat was located on the first-floor landing. The male occupying tenant of the first floor flat greeted us and showed us the layout of the dwelling. The footprint of the flat appeared to approximately match the footprint of the ground floor restaurant directly below. I went to the front living room and noted that the sash windows were in the



DAVE NEVITT © COMPLETE LICENSING, 2023

- closed position. The tenant kindly switched off all sound generating appliances in the room, namely a small electric fan heater and computer gaming consul.
- 7. While standing in the living room I noted that the only audible noise sources were the raised voices and laughter of members of the public walking along the length Berwick Street in both directions. I did not hear any amplified music or any sounds that might be emanating from the restaurant below. I could not hear any of the customer conversations that were clearly audible when I was in the ground floor restaurant.
- 8. I also stood in the rear bedroom and noted that this was quieter because it did not front onto Berwick Street and the external area at the rear of the dwelling was very quiet. Again, I did not hear any noise that I would associate with the activities carried on in the ground floor restaurant.
- 9. My overall impression was that conditions in the first-floor flat were generally very quiet and that there was no audible structure-borne noise transmitted to the dwelling from the ground floor. I concluded that the overall sound insulation provided by the separating structures between the ground floor restaurant and the first-floor dwelling were of such a standard that the occupier of the dwelling could enjoy the quiet occupation of the dwelling without risk of disturbance or nuisance whilst the restaurant was being operated as it was during my visit.
- 10. I also concluded that, as a result of my observations in the first floor flat, it was not likely that the occupiers of the dwellings on the second and upper floors would experience any transmitted audible noise from the ground floor restaurant as they would be too physically removed from the ground floor and are significantly separated by the first floor dwelling.
- 11. In my opinion, if the operator ensures that the restaurant business is carried on in the same way that it was during my visit, he can be confident that the occupiers of the dwellings above are not experiencing Public Nuisance or Statutory Nuisance. He can also be confident that with the main front door in the closed position that occupiers of dwellings on the other side of Berwick Street (e.g. Kemp House) will not be disturbed by noise breakout. It is possible to hear some customer conversation hubbub emanating from the ground floor when the front door is held in the open position but given the expected hours of operation of the business, the relatively low level of emanating noise, and the existing background noise levels which currently prevail in that part of Berwick Street, it is my opinion that this would not likely be the cause of disturbance or Public Nuisance to neighbouring residents.
- 12. I understand that the operator has applied for a Premises Licence from Westminster City Council (application reference above) for the Sale of Alcohol up to 2300hrs. He has not applied for Late Night Refreshment or Regulated Entertainment. I am also aware that a number of Model Conditions have



DAVE NEVITT © COMPLETE LICENSING, 2023

been proposed in support of the application which seek to promote the Licensing Objectives. I am of the view that what has been proposed to date is sufficient to safeguard and protect the occupiers of the dwellings above from Public Nuisance. For that reason and coupled with the fact that the premises appears to have suitable and sufficient acoustic integrity for the activities applied for and proposed by the applicant, I do not believe that any additional measures or conditions are required at this stage.

13. I am willing to attend a Hearing of the Licensing Sub-Committee and address the Committee if required.



DAVE NEVITT © COMPLETE LICENSING, 2023

Mediation emails

From: Jackaman, Kevin: WCC

To: Subject:

23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9 Berwick Street, London,

W1F OPJ

Date: Attachments: 04 December 2023 11:48:00

Attachments: <u>image001.png</u>

Good morning

The Licensing Authority have been asked to forward the email below on behalf of the applicant.

Regards

Kevin Jackaman

Senior Licensing Officer – Premises Licensing Team - Environment, Climate and Public Protection Westminster City Council

15th Floor

64 Victoria Street London SW1E 6QP

Direct Line: 07816217005

Call Centre (for general queries): 0207 641 6500

Email:kjackaman@westminster.gov.uk
Web: www.westminster.gov.uk







From:

Sent: Monday, December 4, 2023 10:47 AM

To: Jackaman, Kevin: WCC <kjackaman@westminster.gov.uk>

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9

Berwick Street, London, W1F OPJ -

Dear

I am writing in response to your representation against the above application.

The application falls within the RNT1b policy of the council, where there is a presumption to grant fully conditioned applications for restaurants.

The applicant has engaged with the Licensing Authorities and taken on board their comments. The proposed conditions have been agreed with the authorities as suitable for a stress area restaurant.

The applicant has also taken on board the comments of residents and yourselves and has reduced the licensed hours to finish licensable activities at 11.00 pm, before the Core Hours after which CIZ policies are usually applied.

The premises already trades, lawfully, to 11.00pm. Currently there are no conditions to permit the authorities to control how the premises is run. A Premises Licence will allow the authorities to control occupants and how the premises is operated. As the premises is already trading lawfully, there will be no increase in footfall, therefore no increase in Cumulative impact.

Concern has rightly been made regarding noise levels coming from the premises. No application for regulated entertainment has been made, therefore only incidental music may be played. Notwithstanding that, further conditions have been agreed to prevent any noise nuisance.

A previous	application drew a representation from	a who lives in
the	above the restaurant. She was feat	arful of noise nuisance. The intervening
months have	e allowed her to experience how the pre	emises trades. As a result of this, not
only has she	e not objected, but the	the restaurant and another
ha	ve both made representations of support	rt, when they state that the restaurant
causes less 1	nuisance than the previous retail unit.	

Other representations of support have been made by local residents who welcome this well run restaurant.

I hope that these reassurances will allow you to withdraw your representations. However if you would like to visit the premises at a mutually convenient time, we would welcome any suggestions or additional conditions you may propose.



From: <u>Jackaman, Kevin: WCC</u>

To:

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9 Berwick Street, London,

W1F OPJ

Date: 04 December 2023 11:50:00

Attachments: image001.png

Good morning

The Licensing Authority have been asked to forward the email below on behalf of the applicant.

Regards

Kevin Jackaman

Senior Licensing Officer – Premises Licensing Team - Environment, Climate and Public Protection Westminster City Council

15th Floor

64 Victoria Street London SW1E 6QP

Direct Line: 07816217005

Call Centre (for general queries): 0207 641 6500

Email:kjackaman@westminster.gov.uk

Web: www.westminster.gov.uk







From:

Sent: Monday, December 4, 2023 10:45 AM

To: Jackaman, Kevin: WCC < kjackaman@westminster.gov.uk >

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9

Berwick Street, London, W1F OPJ -

Dear

I'm writing in response to your representation against the above application.

I'd like to take this opportunity to explain the nature of the application.

The application is for a fully conditioned restaurant, that is to say that the sale of alcohol is

restricted to people who are eating substantial meals. No application has been made to permit Regulated Entertainment.. that is to say a place where music is the reason for attending the premises. The only music played in the restaurant will be background only. To further reassure you, we have agreed conditions to prevent any other noise nuisance.

I'm not sure if you're aware, but the person in the and another to the premises have both made representations of support. Both state that the restaurant causes less nuisance than the previous retail shop. Notwithstanding these supporting representations, we have commissioned a noise report by an independent inspector and will act on any recommendation.

Hopefully this reassures you and allows you to withdraw your objections.

I'd like to take this opportunity to invite you to visit the premises to see how it runs and to discuss any concerns or extra conditions that you may suggest. We welcome you at a mutually convenient time. Please don't hesitate in getting in touch.



From: Jackaman, Kevin: WCC

To:

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9 Berwick Street, London,

W1F OPJ

Date: 04 December 2023 11:52:00

Attachments: image001.png

Good morning

The Licensing Authority have been asked to forward the email below on behalf of the applicant.

Regards

Kevin Jackaman

Senior Licensing Officer – Premises Licensing Team - Environment, Climate and Public Protection Westminster City Council

15th Floor

64 Victoria Street London SW1E 6QP Direct Line: 07816217005

Call Cantra (for someral accordan), 020

Call Centre (for general queries): 0207 641 6500

Email:kiackaman@westminster.gov.uk
Web: www.westminster.gov.uk







From:

Sent: Monday, December 4, 2023 10:44 AM

To: Jackaman, Kevin: WCC < kjackaman@westminster.gov.uk >

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9

Berwick Street, London, W1F OPJ -

Dear

I am writing in response to your representation against the above application.

I would like to explain the difference in the application to the previous one. This application has been made, having listened to the licensing authorities, including the capacity. This application describes a fully conditioned restaurant in line with the council's

definition of a restaurant. There is no application for Late Night Refreshment as no hot food will be sold before 5.00 am or after 11.00 pm. The application is to license the premises to 11.00 pm, earlier than core hours, therefore not 'late' as described by the council.

This is a food led premises, with alcohol only supplied ancillary to substantial meals.

Although restaurants can be expected to trade to later hours, the applicant has also listened to the residents and reduced the hours to mirror those of an unlicensed restaurant. Thus there is no increase in footfall... the customers are already in the area. The premises are using their entitlement to TENs, this is not to trial the licence(although undertakings are given that alcohol will only be sold along the same lines as the proposed licence). However there has been no crime, disorder or nuisance associated with the premises either with or without a TEN.

In response to your concerns about noisy customers leaving the premises, I'd like to reassure you that no application for Regulated Entertainment has been made, therefore any music played is restricted to background only. Therefore people will not be leaving the restaurant shouting at each other in the same way as they do when leaving music led premises. To further allay your fears, I'd like to point out that the occupant of the the premises and the premises have both made supporting representations mentioning that the restaurant causes less nuisance than the previous retail unit. Notwithstanding this, a noise survey has been arranged and any appropriate action will be taken, based on the result of that inspection.

I hope that, after reading these explanations, you will be able to to withdraw your representation.

However, should you wish to visit the premises to see how it trades and to discuss any conditions you may wish to be applied to the applicant, we will be happy to meet at a mutually convenient time.



From: Jackaman, Kevin: WCC

To:

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9 Berwick Street, London,

W1F OPJ

Date: 04 December 2023 11:55:00

Attachments: image001.png

Good morning

The Licensing Authority have been asked to forward the email below on behalf of the applicant.

Regards

Kevin Jackaman

Senior Licensing Officer – Premises Licensing Team - Environment, Climate and Public Protection Westminster City Council

15th Floor

64 Victoria Street London SW1E 6QP

Direct Line: 07816217005

Call Centre (for general queries): 0207 641 6500

Email:kjackaman@westminster.gov.uk

Web: www.westminster.gov.uk







From:

Sent: Monday, December 4, 2023 10:42 AM

To: Jackaman, Kevin: WCC <kjackaman@westminster.gov.uk>

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9

Berwick Street, London, W1F OPJ -

Dear

I am writing in response to your representation against the above application. I would like to clear up some confusing elements of your representation.

The restaurant does not place tables and chairs on the street. Therefore no nuisance complaint has been received at the premises. There are tables sited on a private forecourt,

within the cartilage of the building. But not on the highway.

We have made an application for a fully conditioned restaurant as required by the policies of WCC. We have worked with the licensing authorities and taken on board any of their comments and at all times will work with the authorities to promote the licensing objectives.

We are not seeking a licence to use the pavement.

Our application does not contain permission to provide regulated entertainment, therefore the customers will not be subjected to music louder than background, therefore they won't be leaving the premises shouting at each other. We are not seeking outside drinking.

As you state, the premises has been trading for several months. The restaurant does not need a licence to trade until 11.00 pm . TENs have been used to temporarily license the restaurant along the same lines as the licence which has been applied for. No nuisance or crime has resulted from the use of the TENs.

The application has received letters of support from residents and of the premises who state that the restaurant causes less nuisance than the retail unit.. The restaurant and management have shown that they can operate without causing nuisance.

You mention late night crime, disorder and nuisance. The application is to license hours less than the core hours for a restaurant. There will be no increase in footfall before this. The restaurant is already trading free of restrictions. By granting a licence, the authorities will be able to restrict the currently unrestricted number of customers, along with conditions to maintain safety and prevent nuisance or crime.

I hope that this has helped to allay your fears and enable you to withdraw your objections.

If you would like to visit the premises to see how it trades and suggest any reasonable conditions, we will consider your suggestions.



From: Jackaman, Kevin: WCC

To:

Date:

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9 Berwick Street, London,

W1F 0PJ - 04 December 2023 11:57:00

Attachments: image001.png

Good morning

The Licensing Authority have been asked to forward the email below on behalf of the applicant.

Regards

Kevin Jackaman

Senior Licensing Officer – Premises Licensing Team - Environment, Climate and Public Protection Westminster City Council

15th Floor

64 Victoria Street London SW1E 6QP

Direct Line: 07816217005

Call Centre (for general queries): 0207 641 6500

Email:kjackaman@westminster.gov.uk

Web: www.westminster.gov.uk







From:

Sent: Monday, December 4, 2023 10:41 AM

To: Jackaman, Kevin: WCC < kjackaman@westminster.gov.uk >

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9

Berwick Street, London, W1F OPJ -

Dear

I am writing in response to your representation against the above application.

I would like to allay your fears.

This application differs substantially from the last application. It is now a fully conditioned

restaurant as defined by the council's policy. However, it will close earlier than the core hours which a restaurant could use and still be within policy.

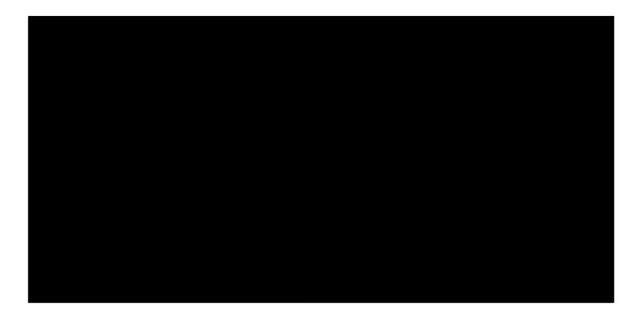
As you will be aware, the restaurant has been trading for several months, to 11.00 pm. At weekends it has used TENs to permit the sale of alcohol, with an agreement to do so in line with the conditions offered on the application. No licence is needed to sell hot food before 11.00 pm and Late Night Refreshment is not applied for. Nor is regulated entertainment, therefore any music in the premises can only be background music.

You may have been aware that a representation against the first applicant was made by a Since experiencing the restaurant and how it has traded for the last few months, she has not objected to this application as her fears have not borne out. In deed the residents in the and have both made representations in support of this application. Both state that the restaurant causes less noise nuisance than the previous retail unit. Notwithstanding these representations, we have commissioned an independent sound report and will make any changes it requires.

Without a licence, the restaurant can continue to trade up to 11.00 pm without a licence. There is no increase of people in the west End, they are there already. The premises currently trades without being subject to any conditions. By granting a licence as a fully conditioned restaurant, the Authorities are able to restrict the number of customers, how alcohol is sold and how nuisance and crime are controlled.

Now that the application has been explained to you, I hope that you will be reassured and able to withdraw your objections.

If you are still concerned, I'd like to take this opportunity to invite you to visit the restaurant and discuss any concerns you may have. We will consider any conditions that you may wish to attach to the licence. Please let us know when would be convenient for you.



From: <u>Jackaman, Kevin: WCC</u>
To:

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9 Berwick Street, London,

W1F OPJ

Date: 04 December 2023 12:00:00

Attachments: image001.png

Good morning

The Licensing Authority have been asked to forward the email below on behalf of the applicant.

Regards

Kevin Jackaman

Senior Licensing Officer – Premises Licensing Team - Environment, Climate and Public Protection Westminster City Council

15th Floor

64 Victoria Street London SW1E 6QP

Direct Line: 07816217005

Call Centre (for general queries): 0207 641 6500

Email:kjackaman@westminster.gov.uk

Web: www.westminster.gov.uk







From:

Sent: Monday, December 4, 2023 10:40 AM

To: Jackaman, Kevin: WCC <kjackaman@westminster.gov.uk>

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9

Berwick Street, London, W1F OPJ -

Dear Sir,

I am writing in response to your representation against the above application.

You suggest that this is essentially the same as a previous one. Please let me reassure you that this isn't the case.

The current application differs from the previous one in that it is now fully compliant with

the council's restaurant policy. It also will cease trading before the core hours for a restaurant.

Currently the restaurant trades lawfully til 11.00 pm. No licence is needed to sell hot food up to 11.00 pm. The premises has used Temporary Event Licences to authorise the sale of alcohol up to 11.00 pm, along the same lines as the conditions offered. There is no desire to play any music, other than unregulated background music, hence there is no application for regulated entertainment.

I appreciate that you live close to the venue, you will have seen how this building has been transformed from a graffiti covered abandoned shop, into an attractive restaurant.

You mention noise from the premises, but condition	ons have been agreed to prevent
nuisance. Further, since the premises has been trad	ling, the neighbour and
have both made supporting	g representations stating that the
restaurant is quieter than the previous shop.	who previously objected has not
objected this time as her worries have not borne ou	ut.
Notwithstanding that, we have commissioned an in	ndependent sound survey and will make
any changes suggested.	

There is no addition to the number of people in the area, as they are already there in the unlicensed premises. The granting of a licence will allow the authorities to set a maximum capacity on the premises as well as conditions to prevent noise and nuisance and to prevent crime.

I hope that I have allayed your fears and that you will be able to withdraw your objections. However, if you would like to visit the premises in order to discuss any conditions which you feel would be appropriate, please let us know a day and time convenient to you.



From: <u>Jackaman, Kevin: WCC</u>

To:
Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9 Berwick Street, London,

W1F OPJ -

Date: 04 December 2023 12:02:00

Attachments: image001.png

Good morning

The Licensing Authority have been asked to forward the email below on behalf of the applicant.

Regards

Kevin Jackaman

Senior Licensing Officer – Premises Licensing Team - Environment, Climate and Public Protection Westminster City Council

15th Floor

64 Victoria Street London SW1E 6QP

Direct Line: 07816217005

Call Centre (for general queries): 0207 641 6500

Email:kjackaman@westminster.gov.uk

Web: www.westminster.gov.uk







From:

Sent: Monday, December 4, 2023 10:39 AM

To: Jackaman, Kevin: WCC <kjackaman@westminster.gov.uk>

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9

Berwick Street, London, W1F OPJ -

Dear

I'm writing in response to your representation against the above application.

The application seeks to license just this premises, not next door and certainly not the street

I appreciate that you live above a street which was a traditional fruit and veg market and is

now a street food market. The applicant is not an itinerant trader, but one who has made a considerable investment into the premises. As a resident, I'm sure you were familiar with the run down state of the building, with graffiti over the outside.

To reassure you, this application is fully compliant with the council's restaurant policy. There is no application for regulated entertainment. this is needed if they wish to play music louder than background. The hours are less than those defined by the council's restaurant policy.

The restaurant has been trading for several months, closing at up to 11.00 pm, either without alcohol or using Temporary Event Notices to authorise the sale of alcohol. This has allowed the to submit letters of support for the application. The who previously objected has not objected this time, as she too has seen the reality of how the restaurant trades.

The restaurant only needs a licence to trade whilst it is not selling alcohol and not selling hot food after 11.00pm. Having a licence permits the authorities to impose conditions on the licence. These conditions would prevent the behaviour of the neighbours.

I hope that your concerns have been addressed and that you will be able to withdraw your representation. If you would like to visit the premises and discuss any concerns that you have, we would like to invite you to visit the premises. Please let us know when would be convenient to you.



From: <u>Jackaman, Kevin: WCC</u>

To:

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9 Berwick Street, London,

W1F OPJ -

Date: 04 December 2023 12:04:00

Attachments: image001.png

Good afternoon

The Licensing Authority have been asked to forward the email below on behalf of the applicant.

Regards

Kevin Jackaman

Senior Licensing Officer – Premises Licensing Team - Environment, Climate and Public Protection Westminster City Council

15th Floor

64 Victoria Street London SW1E 6QP

Direct Line: 07816217005

Call Centre (for general queries): 0207 641 6500

Email:kjackaman@westminster.gov.uk

Web: www.westminster.gov.uk







From:

Sent: Monday, December 4, 2023 10:38 AM

To: Jackaman, Kevin: WCC < kjackaman@westminster.gov.uk >

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9

Berwick Street, London, W1F OPJ -

Dear Sir,

I am writing in response to your representation against the above application.

I'd like to reassure you that this is far from an identical application to an earlier one made at the same address.

The applicant has made a new application, along the lines of a fully conditioned restaurant

as expected by the council in its definition of a restaurant. Within that definition is an expectation that restaurants may trade up to defined 'core hours'. The new application not only is fully conditioned, but is for hours which are less than those 'generally granted' for a restaurant.

	tions to the licence, which were clearly raised out of ossible effects on the young families within the building.
	de by a gainst the earlier application.
	emises has been lawfully trading without licensable
activities or with activities author	rised by TENs up to these hours for many months now.
The trading of the restaurant has	shown that the fear of noise transmission of the residents
have not been borne out.	who previously objected have not done so this time.
Indeed, residents	the premises have both made
1 11 0 1	oplication, in which they comment that there is less noise
어느 그렇게 되어 하셨다면 하는 사람들은 하는 것이 하는 것이 없는 것이 없는 것이 없는 것이 없는 것이 없다.	ious retail unit. Notwithstanding the positive comments
	we are commissioning a noise study by an independent
expert.	

In light of the changes in the application with agreed conditions to prevent nuisance and in light of the support for this application by the immediate neighbours, I encourage you to reconsider your objections.

We will consider any reasonable condition that you may wish to propose and would also like to take this opportunity to visit the premises to see it in action and discuss any concerns you still have. Please let us know when would be convenient to you.



From: Jackaman, Kevin: WCC

To:

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9 Berwick Street, London,

W1F 0PJ - 04 December 2023 12:08:00

Attachments: image001.png

Good afternoon

The Licensing Authority have been asked to forward the email below on behalf of the applicant.

Regards

Date:

Kevin Jackaman

Senior Licensing Officer – Premises Licensing Team - Environment, Climate and Public Protection Westminster City Council

15th Floor

64 Victoria Street London SW1E 6QP

Direct Line: 07816217005

Call Centre (for general queries): 0207 641 6500

Email:kiackaman@westminster.gov.uk
Web: www.westminster.gov.uk







From:

Sent: Monday, December 4, 2023 10:37 AM

To: Jackaman, Kevin: WCC < kjackaman@westminster.gov.uk >

Subject: 23/07557/LIPN - Basement And Ground Floor, for Basement And Ground Floor, 9

Berwick Street, London, W1F OPJ -

I'm writing in response to your representation against the application to license a restaurant at 9 Berwick Street.

Your representation refers to 'extended hours'. I'd like to assure you that the hours are not being extended. The restaurant already trades up to 11.00 pm without the sale of alcohol. The applicant has listened to previous comments and has actually made his application for

less hours than traditionally accepted by the council's restaurant policy.

for noise to transfer through the building which
n fact, the opposite has proven to be the case. The
have both made
tion. Both comment that the restaurant causes less
shop.
objection from one of your residents,
erns to you. However, she has not repeated her
ot materialised.
with in deed the local housing
ne place is being run.

Your representation goes on to say that you fear that residents will leave. However research suggests that the population of Soho has doubled since 2021. ______, now a councillor, confirms this in a pre election quote when telling people they're rude and lazy telling people to move out of their homes. The applicant is keen to be accepted as a considerate person and a long term part of the community. He has reflected this by making his application for a fully conditioned restaurant as defined by council policy, even reducing his trading hours to less than expected in the policy. He has been trading for some months now and already receiving regular trade from local people, many of whom have written letters of support.

The application is to license a moderate premises of 40 seated people. There is no application for regulated entertainment, so the only music played can only be back ground, therefore when people leave, they won't be using raised voices. The application falls within the council's policies of what is expected of a restaurant. An earlier application was refused for fear of noise nuisance. Your residents have shown that these fears have not come to light. However we will be conducting an inspection by an independent expert to confirm the situation at the premises.

Finally, you mention an increase to commutative impact. Currently the restaurant trades lawfully to 11.00 pm. Licences are only needed to sell hot food after 11.00 pm or for regulated entertainment or for the sale of alcohol. Currently there is no maximum capacity set on the premises. The granting of a licence will allow the authorities to set a capacity, figure of forty comes from the advice given by the Environment Health department at WCC. It will also allow the council to impose conditions to prevent nuisance and promote safety. The granting of a licence will actually strengthen the public's rights as any breaches of conditions could be prosecuted or the licence Reviewed.

We would like to offer you the opportunity to visit the premises and speak with the applicant regarding this application. Please could you let us know if and when you'd like to visit.



Premises History Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
23/03810/LIPN	New premises licence seeking Late Night refreshment: Monday to Sunday 23:00 to 23:30 Alcohol: Monday to Sunday 10:00 to 23:30	05.10.2023	Refused by Licensing Sub Committee

There is no appeal history

Temporary Event Notices

Temporary Event Notices	Date of Event	Activities/Hours	Decision
23/07702/LITENP	10.11.2023 to 11.11.2023	Sale of Alcohol 10:00 to 23:00	Event permitted
23/07994/LITENP	16.11.2023 to 18.11.2023	Sale of Alcohol 10:00 to 23:00	Event permitted
23/08359/LITENP	24.11.2023 to 25.11.2023	Sale of Alcohol 10:00 to 23:00	Event permitted
23/08360/LITENP	30.11.2023 to 02.12.2023	Sale of Alcohol 10:00 to 23:00	Event permitted
23/08713/LITENP	07.12.2023 to 09.12.2023	Sale of Alcohol 10:00 to 23:00	Event permitted
23/08805/LITENP	14.12.2023 to 16.12.2023	Sale of Alcohol 10:00 to 23:00	Event permitted
23/08994/LITENP	21.12.2023 to 23.12.2023	Sale of Alcohol 10:00 to 23:00	Event permitted
23/09141/LITENP	28.12.2023 to 30.12.2023	Sale of Alcohol 10:00 to 23:00	Event permitted
24/00031/LITENP	11.01.2024 to 13.01.2024	Sale of Alcohol 10:00 to 23:00	Event permitted
24/00094/LITENP	18.01.2024 to 20.01.2024	Sale of Alcohol 10:00 to 23:00	Event permitted

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+(DxV)

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 only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (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 using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

- 10. The premises will install and maintain a comprehensive CCTV system covering all parts of the premises as per the minimum requirements of the Metropolitan Police. Further:
 - (a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (b) The CCTV system will continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - (c) All recordings will be stored for a minimum period of 31 days with date and time stamping.
 - (d) Viewing of recordings will be made available immediately upon request of the Metropolitan Police or Responsible Authority Officer throughout the preceding 31 day period, providing the request complies with the Data Protection Act or any other Primary Legislation
 - (f) A staff member from the premises who is conversant with the operation of the CCTV system will be always on the premises when the premises are open. This staff member will be able to provide Metropolitan Police or Authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested, providing the request complies with the Data Protection Act or any other Primary Legislation.
 - (g) The CCTV system will be maintained bi-annually and details of maintenance will be made available upon request to the council.
 - (h) The recording equipment and data storage devices will be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with.
 - (i) The system will be register with the Information Commissions Office.
 - (j) The system will abide by the Surveillance Camera Code of Practice.
- 11. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 40 persons.
- 12. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- 13. 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.
- 14. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

- 15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 16. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 17. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
- 19. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
- 20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 21. 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.
- 22. A log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Metropolitan Police, which will record any attempted underage alcohol purchases.

The applicant has agreed with the Metropolitan Police that this condition shall be replaced with the Council's model incident log condition as set out below:

- 22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- 23. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
- 24. The premises licence holder will ensure that all staff are trained commensurate with their roles at the premises including:
 - a) The Licensing Act 2003, responsibilities in supporting the four key objectives.
 - b) Crime Scene Preservations
 - c) Welfare and Vulnerability Engagement (WAVE) training.

Conditions proposed by the	Environmental	Health
----------------------------	---------------	--------

None



Resident Count: 264

Licensed premises within 75m of 9 Berwick Street, London. W1					
Licence Number	Trading Name	Address	Premises Type	Time Period	
				Sunday; 09:00	
				- 22:30	
				Monday to	
				Thursday;	
		11 Berwick		09:00 - 23:30	
		Street		Friday to	
	The Breakfast	London W1F		Saturday;	
22/02670/LIPDPS	Club	0PL	Restaurant	09:00 - 00:00	

	1	1	ı	1
		Hammer		
		House 113-		Sunday; 10:00
		117 Wardour		- 22:30
		Street		Monday to
		London W1F		Saturday;
21/10111/LIPV	Amathus	0UN	Shop	08:00 - 23:00
21/10111/LII V	Amatrius	0011	Опор	Sunday; 12:00
				- 00:00
		400 400		Monday to
		103 - 109		Thursday;
		Wardour		10:00 - 00:30
		Street		Friday to
	Banana Tree	London W1F		Saturday;
22/09410/LIPDPS	Restaurants Ltd	0UN	Restaurant	10:00 - 01:30
				Sunday; 12:00
				- 22:30
				Monday to
				Thursday;
				10:00 - 23:30
				Friday to
				Saturday;
				10:00 - 00:00
		90 Berwick		Sundays
		Street		before Bank
		London W1F		
20/00915/LIDCH	Duck 9 Dice		Doctouront	Holidays; 12:00
20/00815/LIPCH	Duck & Rice	0QB	Restaurant	- 00:00
				Sunday; 12:00
				- 22:30
				Monday to
				Thursday;
				10:00 - 23:30
				Friday to
				Saturday;
				10:00 - 00:00
		90 Berwick		Sundays
		Street		before Bank
	Shadow - Whole	London W1F		Holidays; 12:00
21/08576/LIPN	Premises	0QB	Not Recorded	- 00:00
				Sunday; 07:00
		90 Berwick		- 23:00
		Street		Monday to
	Hub By Premier	London W1F	Hotel, 4+ star or	Saturday;
22/12056/LIPDPS	Inn	0QB	major chain	07:00 - 00:00
22/12030/LIFDF3	11111	טעט	major onam	
				Sunday; 12:00
				- 22:30
				Monday to
		005		Thursday;
		90 Berwick		10:00 - 00:00
		Street		Friday to
	Duck & Rice First	London W1F		Saturday;
15/06480/LIPN	Floor	0QB	Restaurant	10:00 - 00:30
				Sunday; 08:00
				- 22:30
		17 Berwick		Monday to
		Street		Thursday;
		London W1F		08:00 - 23:30
23/01063/LIPCH	Flat White	0PT	Cafe	Friday to
	1	L	ı	, , ,

				Saturday;
				08:00 - 00:00
				Sundays
				before Bank
				Holidays; 09:00
		101 10-		- 23:00
		104 - 105		Sunday; 10:00
		Berwick		- 22:30
		Street		Monday to
		London W1F		Saturday;
21/14598/LIPDPS	Co-op	0QS	Not Recorded	08:00 - 23:00
	1			Monday; 08:00
				- 23:30
				Tuesday; 08:00
				- 23:30
				Wednesday;
				08:00 - 23:30
				Thursday;
				08:00 - 23:30
				Friday; 08:00 -
				00:00
		88 Wardour		Saturday;
		Street		08:00 - 00:00
		London W1F		Sunday; 08:00
21/13851/LIPDPS	Tortilla	0TH	Restaurant	- 22:30
21/13031/EII DI 3	TOTUIIA	OTT	Nestaurant	Sunday; 12:00
		18 Berwick		
				- 00:00
		Street		Monday to
	Mediterranean	London W1F		Saturday;
22/08991/LIPT	Cafe	0PU	Restaurant	10:00 - 00:30
				Monday; 10:00
				- 01:00
				Tuesday; 10:00
				- 01:00
				Wednesday;
				10:00 - 01:00
				Thursday;
				10:00 - 01:00
		0		
		Ground		Friday; 10:00 -
		Floor 19		01:00
		Berwick		Saturday;
		Street		11:00 - 01:00
		London W1F		Sunday; 12:00
22/08995/LIPT	Violets	0PX	Restaurant	- 00:00
				Sunday; 12:00
				- 22:30
				Monday to
				Thursday;
				10:00 - 23:30
		Racomont		
		Basement		Friday to
Ī		And Ground	1	Saturday;
		Floor 20		10:00 - 00:00
		Floor 20 Berwick		Sundays
		Floor 20 Berwick Street		Sundays before Bank
		Floor 20 Berwick		Sundays
15/04952/LIPN	Red Dog	Floor 20 Berwick Street	Restaurant	Sundays before Bank
15/04952/LIPN 21/09669/LIPDPS	Red Dog Yauatcha	Floor 20 Berwick Street London W1F	Restaurant Restaurant	Sundays before Bank Holidays; 12:00

		And Ground Floor 15 - 17 Broadwick Street London W1F 0DA		Sunday; 08:00 - 01:00
11/00024/LIPDPS	Yauatcha	Basement 15 - 17 Broadwick Street London W1F 0DL	Restaurant	Sunday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Monday to Saturday; 08:00 - 01:00 Monday to Saturday; 10:00 - 23:30
19/11795/LIPDPS	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Restaurant	Sunday; 12:00 - 23:00 Monday to Wednesday; 09:00 - 02:30 Thursday to Saturday; 09:00 - 03:30
19/02509/LIREVP	100 Wardour	Ground Floor 100 Wardour Street London W1F 0TN	Not Recorded	
23/06700/LIPDPS	Huckletree Soho	Ingestre Court Ingestre Place London W1F 0JL	Office	Monday to Sunday; 08:00 - 22:00
23/04676/LIPSL	Not Recorded	Basement 84 - 86 Wardour Street London W1F 0TG	Night clubs and discos	Monday; 09:00 - 01:30 Thursday; 09:00 - 03:30 Sunday; 12:00 - 23:00 Tuesday to Wednesday; 09:00 - 02:30 Friday to Saturday; 09:00 - 04:00
21/14512/LIPN	Victor's	84 - 86 Wardour Street London W1F 0TQ	Restaurant	Sunday; 10:00 - 01:30 Monday to Thursday; 10:00 - 01:30 Friday to Saturday; 10:00 - 02:30

21/02214/LIPT	Lo-Profile	Basement 84 - 86 Wardour Street London W1F 0TG	Club or institution	Monday; 09:00 - 01:30 Thursday; 09:00 - 03:30 Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 Tuesday to Wednesday; 09:00 - 02:30 Friday to Saturday; 09:00 - 04:00
23/04677/LIPSL	Shadow Licence	84 - 86 Wardour Street London W1F 0TQ	Premises Licence - Shadow Licence	Sunday; 10:00 - 01:30 Monday to Thursday; 10:00 - 01:30 Friday to Saturday; 10:00 - 02:30
22/06200/LIPDPS	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/04632/LIPT	Princi	Basement And Ground Floor 135 - 139 Wardour Street London W1F 0UT	Restaurant	Monday to Sunday; 00:00 - 00:00
23/04605/LIPN	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Restaurant	Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00
22/09052/LIPRW	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Cafe	Sunday; 10:00 - 22:30 Monday to Wednesday; 07:00 - 23:30 Thursday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 10:00 - 00:00

22/08728/LIPDPS	Rudys Pizza	Ground Floor To First Floor 80-82 Wardour Street London W1F 0UN	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 00:00
22/00120/LIFDF3	Rudys Fizza	OON	Restaurant	Monday; 08:00
				- 01:30 Tuesday; 08:00 - 01:30 Wednesday; 08:00 - 01:30 Thursday; 08:00 - 01:30 Friday; 08:00 -
				01:30
		6 Walker's Court		Saturday; 08:00 - 01:30
		London W1F		Sunday; 08:00
23/04624/LIPSL	Not Recorded	0BT	Not Recorded	- 23:00
		6 Walker's		Sunday; 08:00 - 23:00
		Court		Monday to
23/06969/LIPDPS	Not Recorded	London W1F 0BT	Theatre	Saturday; 08:00 - 01:30
23/00909/LIF DF 3	Not Necolded	OBT	THEATTE	Sunday; 12:00
23/07309/LIPT	Моо	99 Wardour Street London W1F 0UF	Restaurant	- 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
				Sunday; 12:00
				- 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
		25 Peter		Sundays
23/05771/LIPDPS	Supernova	Street London W1F 0AH	Restaurant	before Bank Holidays; 12:00 - 00:00
		Former Trenchard House 19 - 25 Broadwick		Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30
19/11661/LIPDPS	Temper	Street	Restaurant	Friday to

		London		Saturday; 08:00 - 00:00
		108-110		Sunday; 12:00
		Wardour		- 00:00
		Street		Monday to
		London W1F		Saturday;
22/01465/LIPT	Busaba Eathai	0JL	Restaurant	10:00 - 00:30
				Sunday; 12:00
		22 Berwick		- 23:00
		Street	Pub or pub	Monday to
	Blue Posts Public	London W1F	restaurant with	Saturday;
21/09379/LIPDPS	House	0QA	lodge	10:00 - 23:30
				Sunday; 07:30
		74 Wardour		- 23:00
		Street		Monday to
	(Former	London W1F		Saturday;
17/05557/LIPT	'Bunnychow')	0TE	Restaurant	07:30 - 23:30

Agenda Item 2.



Licensing Sub-Committee Report

Westminster	Report
Item No:	
Date:	1 February 2024
Licensing Ref No:	23/07936/LIPN - New Premises Licence
Title of Report:	30 Old Burlington Street London W1S 3AP
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:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises						
Application Type:	New Premises Licence, Licensing Act 2003					
Application received date:	6 November 2023					
Applicant:	Old Burlington Spirit Limited					
Premises:	N/A					
Premises address:	30 Old Burlington Street London	Ward:	West End			
	W1S 3AP	Cumulative Impact Area:	None			
		Special Consideration Zone:	None			
Premises description:	The premises intends to operate as a restaurant.					
Premises licence history:	This is a new premises application and therefore no Premises Licence history exist.					
Applicant submissions:	There are no supporting documents from the applicant.					
Applicant amendments:	None					

1-B Proposed licensable activities and hours									
Late Night Refreshment:			Indoors, outdoors or both			Indoors			
Day:	Mon	Tues		Wed	Thur	Fri	Sat	Sun	
Start:	23:00	23:00		23:00	23:00	23:00	23:00	N/A	
End:	23:30	23:30		23:30	23:30	00:00	00:00	N/A	
standard timings: start of permitt			of permitted hours on New Year's Eve to the ted hours on New Year's Day. orior to bank holidays/public holidays 23:00 –						

Sale by retail of alcohol				On or off sales or both:			Both	
Day:	Mon	Tues		Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00		09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30		23:30	23:30	00:00	00:00	22:30
standard timings: start of permitt			of permitted hours on New Year's Eve to the ted hours on New Year's Day. orior to bank holidays/public holidays 09:00 –					

Hours pre	mises are o	pen to th	ne public				
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non- standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays 09:00 –							

2. Representations

2-A Responsible Authorities					
Responsible Authority:	Environmental Health Service				
Representative:	Ayesha Bolton				
Received:	4 th December 2023				

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

The applicant has submitted floor plans of the premises. This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

- 1. To provide Late Night Refreshment Indoors only, Monday to Thursday 23.00 to 23.30 and Friday to Saturday from 23.00 to 00.00 hours. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays 23:00 00:00 hours.
- 2. To provide Supply of Alcohol both On and Off the premises, Monday to Thursday 09.00 to 23.30, Friday to Saturday 09.00 to 00.00 and Sunday from 09.00 to 22.30 hours. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays 09:00 00:00 hours.

I wish to make the following representation:

- The provision and the hours requested for Late Night Refreshment will the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.
- The provision and the hours requested for Supply of Alcohol will the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety within the area.

The applicant has provided additional information within the application which is being

considered. Additional conditions will be proposed by Environmental Health to address the licensing objectives.

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

2-B Othe	er Persons		
Name:			
Address and/	or Residents Association:		
Status:	Valid	In support or opposed:	Opposed
Received:	04 December 2023		

Our client wishes to raise a representation in respect of the application for a new premises licence for the Premises on the grounds of potential public nuisance relating to noise and fumes from:

- patrons inside the Premises;
- those smoking, eating and drinking directly outside the Premises;
- those leaving the Premises; and
- from delivery drivers.

At present, our client has only had sight of the basic application and proposed conditions. Therefore, it has the following queries:

- Whilst the Premises is described as a restaurant, the application does not provide any details as to the type of restaurant envisaged. The full model restaurant condition has not been proffered and there is nothing to prevent the Premises operating as a bar. Further information in respect of the proposed concept is therefore requested.
- There is no indication as to the extent of the outside area and it is noted that, unless regulated entertainment is playing, there is nothing preventing doors and windows being kept open until 22.00 hrs. The applicant is asked for a plan showing the proposed outside layout and whether windows and door can always be kept closed at all times, save for access/egress.
- Please can details be provided as to where the proposed smoking area will be located.
- There is reference in the proffered conditions to private events where patrons may stand. Details of the nature and frequency of such events would be helpful.
- The proffered conditions mention food takeaway deliveries. Again, our client would be grateful for further information as to the likely frequency of such deliveries. We would welcome this further information from the applicant and any other background information it can provide. Our client reserves the right to make further comments in respect of the application and Westminster Council's Licensing Policy either before, or at, any Licensing

Sub-Committee hearing if satisfactory assurance is not provided in respect of the above.

We should be grateful if we could be informed when this application has been listed for hearing.

Name:

Address and/or Residents Association:

Status:

Valid
In support or opposed:

In support

Received:

1 support this application. 23/07936/LIPN

The immediate area is very quiet and would benefit from more street lights and small

The immediate area is very quiet and would benefit from more street lights and small restaurants in the evenings.

3. Policy & Guidance

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

Policy HRS1 applies

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

 B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
- 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
- 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
- 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
- 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
- 5. The proposed hours when any music, including incidental music, will be played.
- 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
- 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
- 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
- 9. The capacity of the premises.
- 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
- 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
- 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
- 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
- 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

are expected to be covered by Temporary Event Notices or variation applications.

- C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:
- 1. **Casinos:** Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.
- 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am
- 3. **Hotels:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.
- 4. **Off licences:** Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.
- 5. **Outdoor Spaces:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
- 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.
- 7. **Qualifying Clubs:** Monday to Thursday: 9am to 12am. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
- 8. **Restaurants:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
- 9. **Sexual Entertainment Venues and Sex Cinemas**: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
- D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Policy RNT1 applies

- A. Applications outside 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 being within the council's Core Hours Policy HRS1.
- 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
- 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.
- 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.
- 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.

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

5

6

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

Report author:	Jessica Donovan Senior Licensing Officer
Contact:	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 1 Licensing Act 2003 N/A 2 City of Westminster Statement of Licensing 01 October 2021 3 Amended Guidance issued under section 182 of December 2022 the Licensing Act 2003 Environmental Health Service representation 4 04 December 2023

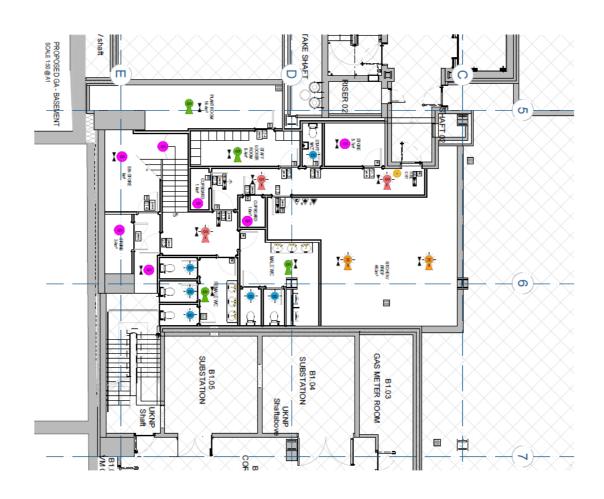
04 December 2023

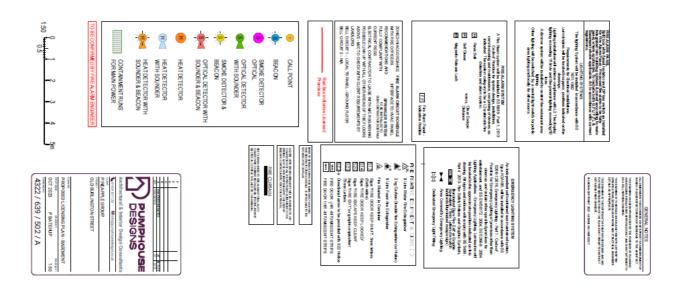
22 November 2023

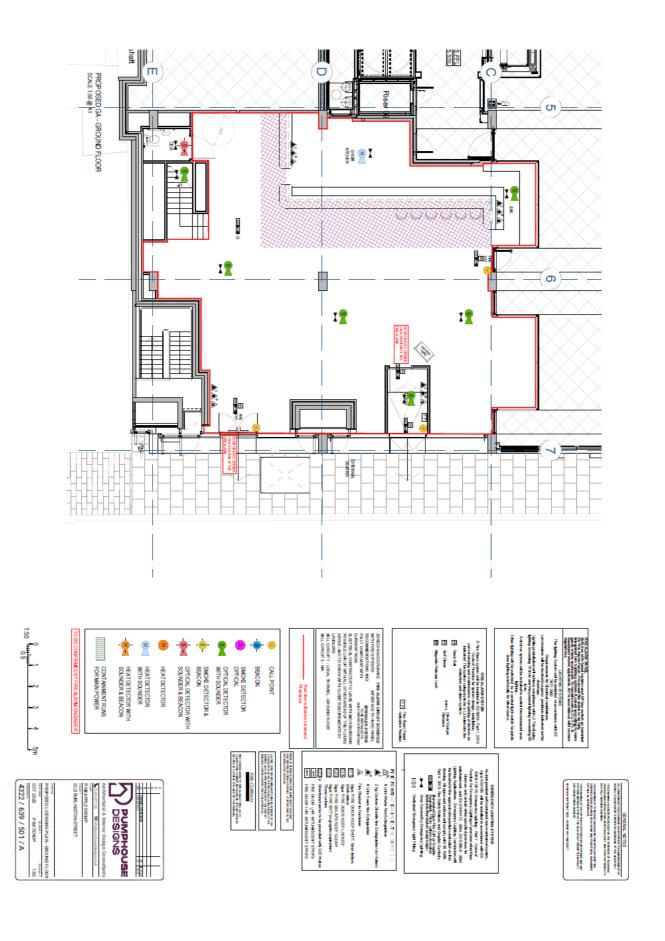
Interested party representation (1)

Interested party representation (2)

Premises Plans Appendix 1







Applicant Supporting Documents

Appendix 2

The are no supporting documents from the applicant.

Premises History Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

P = D+(DxV)

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

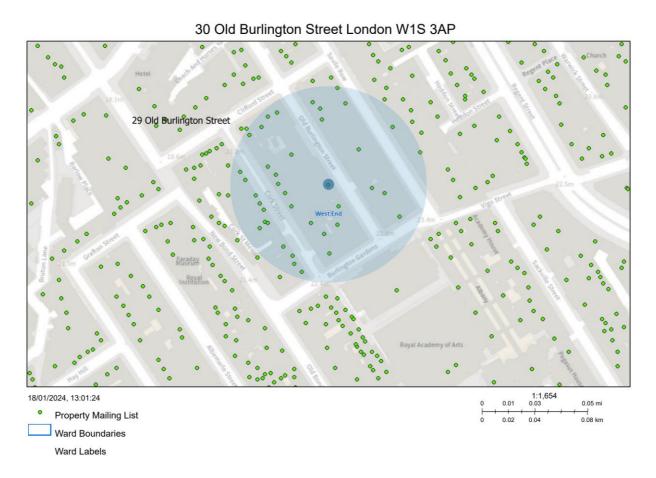
- 9. a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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. 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.
- 12. Save for private events, the supply of alcohol shall be by waiter or waitress service only to customers who are seated.
- 13. 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) 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 or searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
 - 6. 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. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 15. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 17. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
- 18. No collection of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 hours on the following day, unless in accordance with a Westminster City Council collection time.

- 19. No deliveries to the premises shall take place between 23:00 and 08:00 hours on the following day.
- 20. 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.
- 21. All outside tables and chairs shall be rendered unusable by 23.00 each day.
- 22. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
- 23. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
- 24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 25. Customers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- 26. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
- 27. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them unless seated in an authorised external area.
- 28. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 29. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 30. 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.
- 31. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
- 32. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 33. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

- 34. 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.
- 35. 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.
- 36. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- 37. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- 38. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 39. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- 40. 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.
- 41. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
- 42. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions proposed by the Environmental Health Service

None



Resident Count: 12

Licensed premis	es within 75 metres	of 30 Old Burlin	ngton Street, Londo	on, W1S 3AP
Licence Number	Trading Name	Address	Premises Type	Time Period
	Trading rame	Basement	i remidee type	
		Mezzanine Floor And		
		Ground Floor		
		29 Old		Sunday; 09:00
		Burlington		- 23:30
		Street London W1S		Monday to Saturday;
14/00639/LIDPSR	The Embassy	3AR	Restaurant	09:00 - 03:30
				Sunday; 08:00
		5A Burlington Gardens		- 01:00 Monday to
	Cecconi's	London W1S		Saturday;
20/03154/LIPCH	Restaurant	3EP	Restaurant	07:00 - 01:30
		7 - 8 Cork		Manadanda
		Street London W1S		Monday to Sunday; 00:00
23/09182/LIPT	HSBC	3LH	Not Recorded	- XXXX
				Sunday; 07:00
				- 23:00 Monday to
				Thursday;
				07:00 - 01:00
		Ground Floor And		Friday to Saturday;
		Basement 13-		07:00 - 02:00
		14 Cork		Sundays
		Street		before Bank
22/05848/LIPDPS	Peyote	London W1S 3NS	Restaurant	Holidays; 07:00 - 02:00
22,000 10,211 21 0	1 Oyoto	Ground Floor		01.00 02.00
		18 Clifford		
		Street London W1S		Monday to Sunday; 00:00
10/00554/LIPDPS	Buck's Club	3RF	Club or institution	- 00:00
				Friday to
				Saturday; 09:00 - 00:30
		5 Savile Row		Sunday to
		London W1S		Thursday;
23/01674/LIPN	Not Recorded	3PB	Restaurant	09:00 - 00:00





Licensing Sub-Committee Report

Item No:

Date: 1 February 2024

Licensing Ref No: 23/07475/LIPN - New Premises Licence

Title of Report: 31 Wardour Street

London W1D 6PT

Report of: Director of Public Protection and Licensing

Wards involved: St James's

Policy context: City of Westminster Statement of Licensing Policy

Financial summary: None

Report Author: Roxsana Haq

Senior Licensing Officer

Contact details Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1. Application

1-A Applicant and premis	1-A Applicant and premises				
Application Type:	New Premises Licence, Licensing Act 2003				
Application received date:	25 October 2023				
Applicant:	Shaftesbury CI Limited				
Premises:	TBC				
Premises address:	31 Wardour Street London	Ward:	St James's		
	W1D 6PT	Cumulative Impact Area:	West End		
		Special	None		
		Consideration			
		Zone:			
Premises description:	According to the applicant the premises will trade as a shop / café.				
Premises licence history:	Previously a premises licence was in place at the premises (07/10675/WCCMAP) however this was surrendered on 31 July 2023. A copy of this licence can be seen at Appendix 3.				
Applicant submissions:	A summary of proposals from the applicant can be seen at Appendix 2.				
Applicant amendments:	None.				

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, o	utdoors or l	both	Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non- standard timings: None.							

Sale by retail of alcohol			On or off sales or both:			Off sales	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal v	variations/	On Weekdays, other than Christmas Day, 08:00 to 23:00					
Non-stand	dard • On Sundays, other th			than Christr	nas Day, 10	:00 to 22:30)
timings:		 On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30 					
	On Good Friday, 0			8:00 to 22:30)		

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	10:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:			None.				
Adult Entertainment:			None.				

2. Representations

2-A Responsible Authorities				
Responsible	Licensing Authority			
Authority:				
Representative:	Jessica Donovan			
Dagaired	22 nd November 2023			
Received:	ZZ November 2023			

Dear Sirs

I write in relation to the application submitted for a new premises licence for 31 Wardour Street, London, W1D 6PT.

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:

Late Night Refreshment:

Monday to Sunday 23:00 to 05:00

Retail sale of Alcohol (Off sales)

Monday to Saturday 08:00 to 23:00 Sunday 10:00 to 22:30

Opening Hours to Public Monday to Saturday 08:00 to 05:00 Sunday 10:00 to 05:00

The premises is located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 and FFP1.

The Licensing Authority notes that the applicant is seeking to reinstate premises licence 07/10675/WCCMAP due to the licence lapsing but after further investigation it appears that the licence has not lapsed and was surrendered by the applicant in July 2023. It is noted that the application has been made on the same terms and conditions as premises licence 07/10675/WCCMAP.

Westminster's FFP1 (b, c, d) Policy states:

- B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:
- 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or.
- 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the

premises.

- C. The applications referred to in Clause B1 and B2 will generally be granted subject to:
- 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
- 2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
- 3. The application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D.
- D. For the purposes of this policy a Fast Food Premises is defined as:
- 1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.
- 2. Food and drink are:
- a. Available on the premises for self-selection.
- b. Prepared on the premises.
- c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.
- 3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.
- 4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.

The Licensing Authority note that the application falls outside of Westminster's core hours under Policy HRS1.

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

Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

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

Paragraph F56 states; Fast food premises which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.

Paragraph F59 goes on to say Applications within the West End Cumulative Impact Zone, where there is a presumption to refuse under this policy will be expected to demonstrate why their application should be permitted as an exception to this policy.

The Licensing Authority would like the applicant to provide further submissions on the below questions;

- Can the applicant provide further submissions on the intended overall operation of the premises?
- Will the sale of hot food and drinks be for consumption off the premises only or will customer be able to consume it on the premises?
- Can you provide details of the type of hot food items the applicant intends to sell?
- Will there be deliveries from the premises?
- What type of vehicles would be used for deliveries?

The Licensing Authority would like confirmation to the above questions to be able to assess any further relevant policy considerations.

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.

Responsible Authority:	Environmental Health Service
Representative:	Kudzy Mondhlani
Received:	7 th November 2023

31 Wardour Street, W1D 6PT

I refer to the application for a Premises Licence

The premises are located within the West End CIZ as stated in the City of Westminster's Statement of Licensing Policy.

This premises is seeking to reinstate a previous premises licence reference 07/07409/LIPN. This representation is based on the operating schedule and plans submitted dated 27/11/06.

The applicant is seeking the following:

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 08:00 and 23:00 hours and Sunday between 10:00 and 22:30 hours.

Non Standard timings as per previous license

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a) On Weekdays, other than Christmas Day, 08:00 to 23:00
- b) On Sundays, other than Christmas Day, 10:00 to 22:30
- c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- d) On Good Friday, 08:00 to 22:30

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) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) 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.
- 2. To provide Late Night Refreshment Monday to Sunday between 23:00 and 05:00 hours.

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

- 1. The supply of alcohol may have the likely effect of causing an increase in Public Nuisance in the area and may also impact on Public Safety in the West End CIZ.
- 2. The provision of late-night refreshment may have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety in the West End CIZ.

The granting of this application as presented may have the likely effect of causing an increase in Public Nuisance and may also impact on Public Safety in the West End CIZ.

The applicant has provided additional information which is being considered. Additional Environmental Health conditions may be proposed to uphold the licensing objectives.

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

Kudzaishe Mondhlani

Environmental Health Officer

Responsible Authority:	Metropolitan Police Service
Representative:	PC Adam Deweltz
Received:	8 th November 2023

Dear Westminster Licensing Services,

I am writing on behalf of the Commissioner of the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for <u>31 Wardour</u> <u>Street</u>, <u>W1D 6PT</u>

The application seeks the following licensable activities:

Sale of alcohol (Off)

Monday – Saturday: 08:00 – 23:00

Sunday: 10:00 - 22:30

Late Night Refreshment

Monday - Sunday: 23:00 - 05:00

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:

The proposed licensable activities are likely to undermine the following licensing objective:

The Prevention of Crime and Disorder.

The premises is located at 31 Wardour Street, W1D 6PT, which is within the West End Cumulative Impact Zone ("CIZ"). The Police have concerns that a new premises, which provides Late Night Refreshment until 05:00 hours every day of the week, will adversely impact the area. The crime levels within the CIZ are significant. Wardour Street, in particular, is already saturated by late night premises, which bring crime and disorder to the area.

The Police would like people dispersed from the area, however, 31 Wardour Street, would likely

keep people remaining in the vicinity because hot food and drink is attractive. This can make revellers a target for robberies and assaults. General Anti-Social Behaviour could also increase. The police are already struggling to cope with the excessive crime levels within the West End.

Westminster's Statement of Licensing Policy 2021 states under its Fast Food Premises Policy ("FFP1") section **B**:

"It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than: 1. Applications to vary the existing Licence hours within the councils core hours policy HRS1."

The Police request that that the licensing sub-committee take into account all the above points, and we respectfully ask that this application is refused.

Yours sincerely,

Adam.

3. Policy & Guidance

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

Hours Policy HRS1 applies:

- **A.** Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- **B.** Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
- 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
- **2.** If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
- **3.** Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
- **4.** The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
- **5.** The proposed hours when any music, including incidental music, will be played.
- **6.** The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
- **7.** The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.

- **8.** Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
- 9. The capacity of the premises.
- **10.** The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
- **11**. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
- **12**. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
- **13.** The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
- **14.** Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- **C**. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

11a. 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)

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.

11b. 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.

- **D**. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- **E.** For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.

Shops Policy SHP1 applies:

- **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.

4. Equality Implications

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

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

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

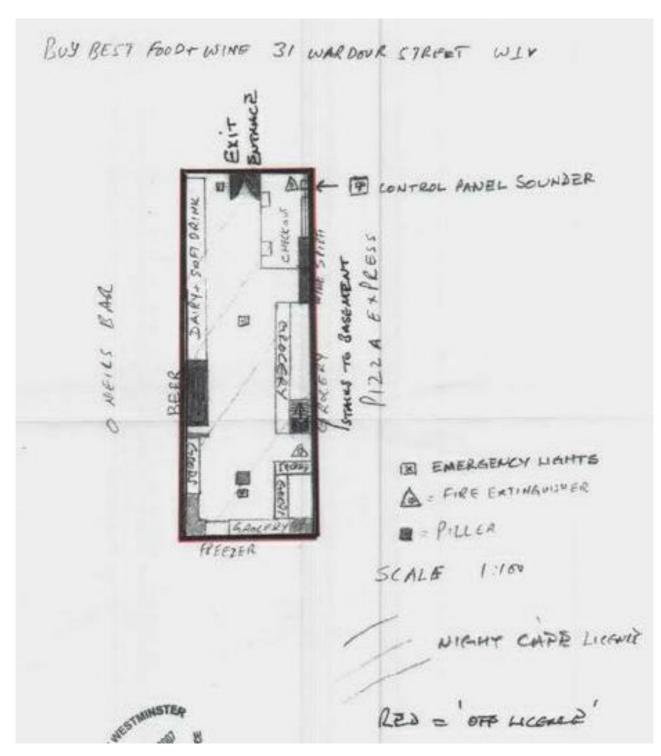
5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Responsible Authority supporting submissions.
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

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

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.				
Background Documents – Local Government (Access to Information) Act 1972				
1	Licensing Act 2003	N/A		
2	City of Westminster Statement of Licensing Policy	01 October 2021		
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022		
4	Licensing Authority representation	22 nd November 2023		
5	Environmental Health representation	7 th November 2023		
6	Metropolitan Police Service representation	8 th November 2023		

<u>Premises Plans</u> <u>Appendix 1</u>



Thomas & Thomas

β1 WARDOUR STREET LONDON W1D 6PT

SUMMARY OF PROPOSALS

THOMAS & THOMAS PARTNERS LLP 38A MONMOUTH STREET LONDON WC2H 9EP

> Reference: AT/SHA.30.126 Solicitors for the Applicant

Thomas & Thomas Partners LLP is a limited liability partnership registered in England & Wales under number OC363873. A list of members is available for inspection at our registered office at 38a Monmouth Street, London WC2H 9EP. Thomas & Thomas Partners LLP is regulated by the Solicitors Regulation Authority under number 561362.



Introduction

- This is an application for a premises licence for 31 Wardour Street, London W1D 6PT ("the Premises"). The application is on <u>exactly the same terms</u> as premises licence 07/10675/WCCMAP ("the Existing Licence") which was active until on or around 31 July 2023 at which time the Tenant surrendered the premises licence without notice to Shaftesbury as Landlord.
- 2. Shaftesbury are a responsible Landlord who are a major stakeholder in the area with a unique and bespoke policy of fostering and maintaining local culture and economy. Despite Shaftesbury serving a Notification of Interest in respect of the Premises (reference 22/09508/LI178 for the 12 month period commencing 06 October 2022), no notification was sent by the Licensing Authority to notify Shaftesbury of the surrender. Had it done so, Shaftesbury would have applied for reinstatement of the Existing Licence under the provisions of s. 50 Licensing Act 2003 and an application for new premises licence would not have been required.
- We have asked the Licensing authority for an explanation as to why there was no notification, but none has been forthcoming. This is not meant to be a criticism or claim simply to put matters in context.
- 4. There is, therefore, a legitimate expectation in law that Shaftesbury should have been informed of the surrender of the premises license by the tenant at the time. If they had, they would have submitted an application within the requisite 28 day period and the licence would not have lapsed.

The Application

5. The application is for:

Sale of Alcohol (Off Sales)	Monday – Saturday: 08:00 – 23:00 Sunday: 10:00 – 22:30
Late Night Refreshment:	Monday – Sunday: 23:00 – 05:00
Opening Hours	Monday – Saturday: 08:00 – 08:00 Sunday: 10:00 – 05:00

6. The Premises is located in the West End Cumulative Impact Zone. It is a conservative sized premises, with a customer capacity of 30. No more than 15% of the sales are can be used at any one time for the sale, exposure for sale or display of alcohol. No super-strength spirits can be sold. Outside of licensed alcohol hours all alcohol in trading areas must be secured behind locked grills/screens or locked behind secured cabinet doors.

The Application

The Premises operated successfully and, to the best of Shaftesbury's knowledge, without incident or concern. Whilst the previous tenant has departed, Shaftesbury will select a wholly appropriate and vetted tenant to take over the Premises.



Conditions

8. In any event, the policy recognises re-instatement on the same terms, subject to 'modernisation of conditions' where licences have lapsed in similar circumstances. The following conditions in green bold are therefore agreed as the simply modernise the conditions. The ones in red strike-through are not as they change the nature of the licence, which is inconsistent with policy. Those in blue italics are already on the licence in the same or similar form.

9. Police Proposed Conditions

No.	Condition	Comment
1	(a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.	Updated MC01
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.	New MC02
3	An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.	New MC49
4	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.	New condition - MC47

Thomas & Thomas

5	All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.	New condition - MC17
6	Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.	Updated MC28
7	No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.	Updated MC29
8	No single cans or bottles of beer or cider or spirit mixtures shall be sold at- the premises.	New condition - MC30
9	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.	See proposed con 18
10	There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.	See proposed con 16
11	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.	New MC33
12	No miniature bottles of spirits of 20 cl or below shall be sold from the premises.	New MC85
	· ·	

Policy

- 10. Policy paragraph B15 states: "In cases where licences have lapsed through insolvency or death, the council will generally grant a new licence on similar terms to the lapsed licence as a replacement. However, the council will take into account the previous history of the premises, the length of time the premises have been closed, and any problems at the premises, and will determine and impose conditions that reflect current good practice for the type of business proposed at the premises."
- The premises licence was surrendered in July. The applicant became aware of the surrender on 19
 October 2023. The application was made on 25 October 2023.
- 12. Policy paragraph D21 states: "Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible



exceptions. Unless there are representations that indicate there have been problems with the previous licence, licences may be granted with conditions which replicate the effect of those of the previous licence and with conditions which bring the licence in line with good practice on other licences e.g. on door supervision. This will not apply to licences which have been surrendered or those which can have no practical effect because the premises to which they applied no longer exist or will not continue to exist in their previous form, e.g. because of planned demolition or redevelopment."

Conclusion

13. This is an application to reinstate a licence which previously operated from the Premises on the same terms. Had the applicant been notified of the surrender of the licence as it should have been following the notification of interest, the applicant would have applied to reinstate the licence under the provisions of s. 50 Licensing Act 2003 and a new licence application would not have been necessary.

22 January 2024

<u>Previous premises licence – surrendered on 31 July 2023</u>



Schedule 12 Part A WARD: St James's UPRN: 010033553960

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

+]+

Premises licence number:

07/10675/WCCMAP

Original Reference:

07/07409/LIPN

Part 1 - Premises details

Postal address of premises:

Sunrise Cafe And News Ground Floor 31 Wardour Street London W1D 6PT

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Sunday: 23:00 to 05:00

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30

For times authorised for Christmas and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 08:00 to 05:00 Sunday: 10:00 to 05:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Mughul (Leicester Square) Ltd 204 Shaftesbury Avenue London WC2H 8JL

Telephone Number: 0207 916 2359

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

4474918

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

Name: Mr George Kalaiselvan

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: LN/200600154

Licensing Authority: London Borough Of Enfield

Date: 20th January 2014

Signed: pp

Operational Director - Premises Management

Annex 1 - Mandatory conditions

- No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
- 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.
- Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.

Annex 2 - Condition	s consistent with t	the operating	Schedule
---------------------	---------------------	---------------	----------

None

Annex 3 - Conditions attached after a hearing by the licensing authority

- This licence is subject to all the former regulations made by Westminster City Council
 prescribing standard conditions for annual night café licences, effective from 1
 October 2001
- The number of persons accommodated at any one time (excluding staff) shall not exceed 30.
- Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

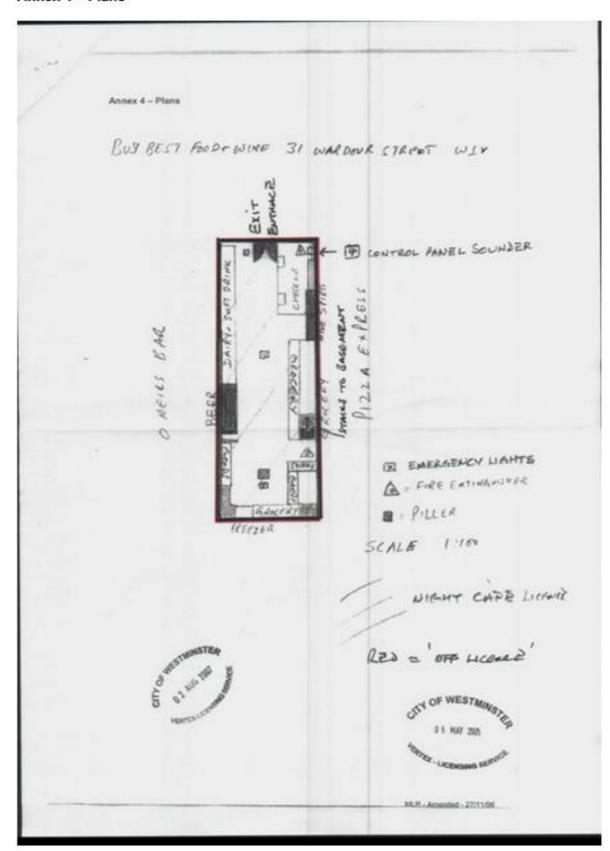
- a) On Weekdays, other than Christmas Day, 08:00 to 23:00
- b) On Sundays, other than Christmas Day, 10:00 to 22:30
- On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- d) On Good Friday, 08:00 to 22:30

The above restrictions do not prohibit:

- 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;
- ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) 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.
- Alcohol shall not be sold in an open container or be consumed in the licensed premises.
- 9. The premises will maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998).
- All waste to be properly presented and placed out for collection no earlier than 30 minutes before the schedule collection times
- No super-strength (5.5% ABV or above) beer, lagers or ciders to be sold.
- The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800hours.

- 15. No authorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
- No self service of spirits.
- Outside of permitted hours for the sale of alcohol all alcohol within the trading area is to be secured behind locked grills/screens or secured behind locked cabinet doors.
- No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.

Annex 4 - Plans





Schedule 12 Part B

WARD: St James's UPRN: 010033553960

Premises licence summary

Regulation 33, 34

Premises licence number:	07/10675/WCCMAP
--------------------------	-----------------

Part 1 - Premises details

Postal address of premises:

Sunrise Cafe And News Ground Floor 31 Wardour Street London W1D 6PT

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Sunday: 23:00 to 05:00

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30

For times authorised for Christmas and Good Friday see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 08:00 to 05:00 Sunday: 08:00 to 05:00

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

Alcohol is supplied for consumption off the Premises.

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

Mughul (Leicester Square) Ltd 204 Shaftesbury Avenue London WC2H 8JL

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

4474918

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

Name: Mr George Kalaiselvan

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

Restricted

Date: 20th January 2014

Signed: pp

Operational Director - Premises Management

Responsible Authority supporting submissions

Metropolitan Police submission

31 Wardour Street, W1 is a convenience store situated in the middle of the West End, with the closest tube being Piccadilly Circus. The premises used to operate 24 hours a day and was previously licensed under 07/10675/WCCMAP. This allowed the premises to provide Late Night Refreshment from Monday to Sunday 23:00 – 05:00 and the sale of alcohol (off sales) Monday to Saturday 08:00 to 23:00 and Sunday 10:00 to 22:30. On Monday 17th July 2023, the premises licence holder, Mughul Ltd, contacted Westminster City Council to inform them that their last trading day will the 31st July 2023, and the premises licence would be surrendered. Since this time, approximately 7 months, there has been no premises licence and therefore no licensable activity at 31 Wardour Street, W1.

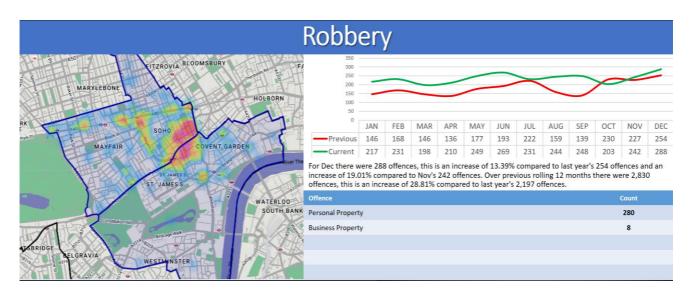
It is the view of the Metropolitan Police Service that to grant a new premises licence for a premises located within in the Cumulative Impact Zone will have an adverse effect on the area and cause further Policing issues in relation to crime and disorder. The premises is in a prime location, as it is next door to O'Neill's Public House, a licensed premises, which is open until 03:30 Wednesday to Saturday. There are other late night premises on the same street such as Little Macau, which is a gambling arcade open 24 hours a day, every day. The West End is already saturated by late night licensed premises, and to add another late night premises to Wardour Street, will keep people in the area for longer late at night. This opens up opportunities for people to become victims of robbery and assaults, as well as general anti-social behaviour, such as begging and illegal drug use.

As well as the crime and disorder objective not being met, the hours applied for are beyond core hours, and it is the licensing authority's policy to refuse applications within the CIZ.

The current levels of assaults, sexual assaults and robberies within the West End are now higher than at pre-COVID levels and when the current Cumulative Impact Assessment was conducted in 2020. The new draft Cumulative Impact Assessment 2023 states that the West End (West End and St James Wards), now account for just under 66% of all crime within Westminster and 74% of all 'public realm' crime. On page 51 of the new assessment, it describes the area known as West End Zone 1 (where this venue sits) as the epicentre for issues associated with cumulative impact and states that this area holds a quarter of all licensed premises.

Within the CIZ, there is a high concentration of street robberies and violence against the person, and a majority of these offences are committed at or after midnight and especially on Fridays and Saturdays.

Below are the most recent figures and heat maps, (December 2023) which give a clear indication of the crime levels (robbery, assaults and ASB) within the West End footprint. The common denominator being crime is higher on the weekend in the earlier hours of the morning.



Robbery

The category of robbery is predominantly 'robbery of personal property', but there are additional smaller volumes of 'robbery of business property'.

There were 3,006 robberies in Westminster in 2022 and offences have been steadily returning since covid. This increase in offences is reflected in the growing proportion of robbery offences in Westminster compared to the whole of London, with 13% of the annual rolling total, higher than previous years. Like theft and violence, robberies are also highly concentrated in the West End and St James's wards, with 70% (2,099) of all offences in 2022 within these wards, , 43% in just three LSOAs. At night this concentration increases to 76% (1,608) and 47% respectively.

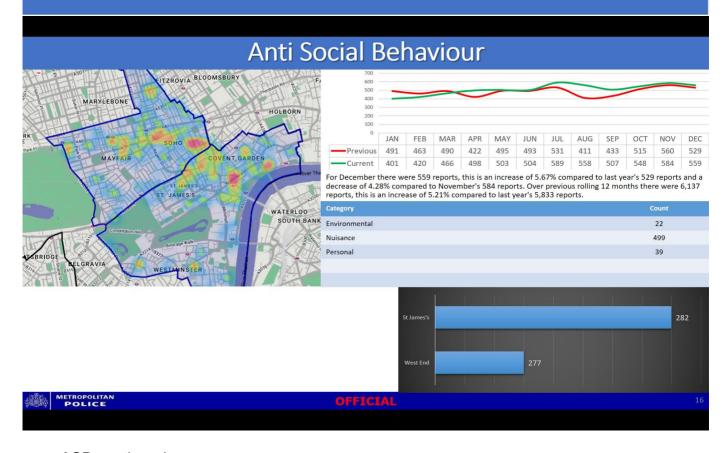
Robbery offences are highly concentrated by time and day, with 70% (2,101) occurring between 6pm and 6am. Key times are after midnight on Saturday and Sunday mornings.



Anti-Social Behaviour (ASB)

Summary

- Alcohol related ASB incidents and London Ambulance Calls outs for alcohol/overdose are heavily concentrated in the West End and St. James's Ward, at weekends and late night.
- This includes 57% (117) of alcohol related police ASB in the West End referencing a venue of interest to the CIA, and 74% (2,904) of all ambulance attendances for alcohol occurring overnight and 63% (2,465) within the West End
- Transport related data illustrates the concentration of crime and disorder issues at stations within the West End, night busses and travel routes away from the West End
- Consultations reveal the scale of concerns of residents and workers around disorder issues
 associated with the use and sale of alcohol and the wider night time economy. 27% of West
 End respondents to the City Survey feel there are problems specifically related to licensed
 premises.

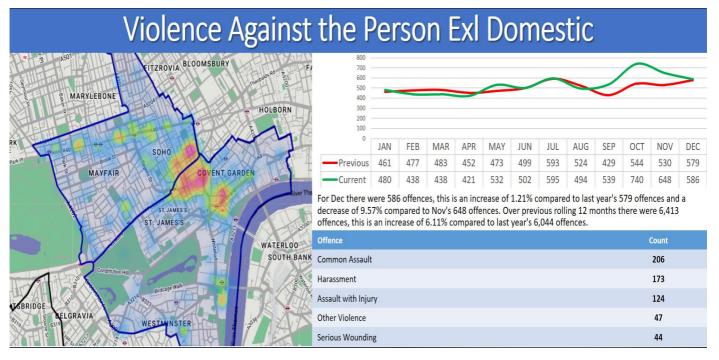


ASB continued...

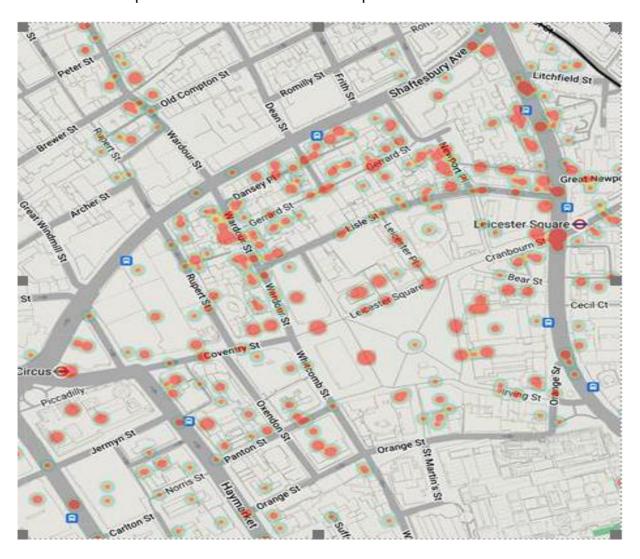
	000	0 - 0	259	030	0 - 0	559	060	0 - 0	859	090	0 - 1	159	120	00 - 14	459	150	00 - 1	759	180	0 - 20	059	210	0 - 23	359
Mon	5	3	2	2	2		1		2	3	5	2	3	3	3	3	1	3		3	2	3	4	2
Tue	3	1	1	1	4	2	2	3		2	1	1	1	4	2		4		5	5	5	5	6	2
Wed	3	3	2	4	1	5	1		2	4	7	3	1	1	4	4	2	1	7		2	2	7	7
Thu		1	4	5	2	1		3	3	4	2	5	6	1	2	4	2	3	3	5	2	5	5	5
Fri		6	2	2	2	1	1	2	2	2	3	5	8	2	4	9	3	2	3	2	8	5	19	5
Sat	2	3	4	8	7	3	1	2	1		2	6	6	4	2	5	2	5	5	6	5	7	12	11
Sun	7	4	6	6	1	6	2	1	5	2	1	3	3	4	2	2	7	2	2	2	2	6	7	6
Total	20	21	21	28	19	18	8	11	15	17	21	25	28	19	19	27	21	16	25	23	26	33	60	38

Day	Count
Sunday	89
Monday	57
Tuesday	60
Wednesday	73
Thursday	73
Friday	98
Saturday	109





The map below illustrates overall crime in the West End Ward. This highlights how much crime is reported in Wardour Street in comparison to other streets in the area.



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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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+(DxV)

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.
- 5(iii). Where the permitted price given by Paragraph 5(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.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(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

None.

Conditions proposed by the Environmental Health Service

None.

Conditions proposed by the Metropolitan Police Service so as to form part of the operating schedule.

- 6. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- 7. 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.
- 8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
- 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.
- 10. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- 11. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
- 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 and cans.
- 13. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
- 14. 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.

- 15. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
- 16. 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.
- 17. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

31 Wardour Street London W1D 6PT



Resident Count: 72

Licensed premises within 75 metres of 31 Wardour Street, London W1D 6PT								
Licence Number	Trading Name	Address	Premises Type	Time Period				
23/05503/LIPDPS	Pochawa Grill	29 Wardour Street London W1D 6PS	Not Recorded	Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 00:30				
23/03857/LIPVM	ONeills Public House	33 Wardour Street London W1D 6PU	Public house or pub restaurant	Monday; 08:00 - 02:30 Tuesday; 08:00 - 02:30 Wednesday; 08:00 - 03:30 Thursday; 08:00 - 03:30 Friday; 08:00 - 03:30 Saturday; 08:00 - 03:30 Sunday; 08:00 - 02:00 Monday to Tuesday; 08:00 - 02:30 Wednesday to Saturday; 08:00 - 03:30 Sundays before Bank Holidays; 08:00 - 02:30				
21/14405/LIPN	Not Recorded	27 Wardour Street London W1D 6PR	Restaurant	Monday; 10:00 - 04:30 Tuesday; 10:00 - 04:30 Wednesday; 10:00 - 04:30 Thursday; 10:00 - 04:30 Friday; 10:00 - 04:30 Saturday; 10:00 - 04:30 Sunday; 12:00 - 04:30				
17/14804/LIPV	Young Cheng Restaurant	39 Wardour Street London W1D 6PX	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30				
06/12437/WCCMAP	C & R Cafe Restaurant	3-4 Rupert Court London W1D 6DY	Shop	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30				
23/01047/LIPDPS	Four Seasons	23 Wardour Street London W1D 6PW	Restaurant	Sunday; 12:00 - 05:00 Monday to Saturday; 10:00 - 05:00				

22/07295/LIPRW	XU	30 Rupert Street London W1D 6DL	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 Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
06/13240/WCCMAP	Mr Wu Restaurant	28 Wardour Street London W1D 6QN	Restaurant	Monday to Sunday; 11:00 - 00:00
14/01354/LIPVM	The Palomar	34 Rupert Street London W1D 6DN	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
14/01871/LIPDPS	Wong Kei Restaurant	41-43 Wardour Street London W1D 6PY	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
06/12381/WCCMAP	Cafe T.P.T.	21 Wardour Street London W1D 6PN	Restaurant	Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 01:00
23/03585/LIPCHD	Blue Posts Public House	28 Rupert Street London W1D 6DJ	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
18/04102/LIPDPS	Blue Posts Public House	28 Rupert Street London W1D 6DJ	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Thursday to Friday; 10:00 - 00:00

23/05121/LIPVM	Hovarda	36 - 40 Rupert Street London W1D 6DN	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 - 01:00
15/03177/LIPDPS	Gerrard's Corner	25 Gerrard Street London W1D 6JL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/12049/LIPT	Old Town 97	19 Wardour Street London W1D 6PL	Restaurant	Sunday; 12:00 - 04:00 Monday to Saturday; 10:00 - 04:00
23/00692/LIPDPS	Gold Mine Restaurant	45 Wardour Street London W1D 6PZ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/05979/LIPT	Ichi Buns (22-22A)	22A Wardour Street London W1D 6QQ	Restaurant	Monday; 10:00 - 02:00 Tuesday; 10:00 - 02:00 Wednesday; 10:00 - 02:00 Thursday; 10:00 - 02:00 Friday; 10:00 - 02:00 Sunday; 12:00 - 02:00 Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 12:00 - 00:00
23/01378/LIPT	Heritage	18 Rupert Street London W1D 6DD	Restaurant	Sunday; 12:00 - 00:00 Monday to Wednesday; 10:00 - 01:00 Thursday to Saturday; 10:00 - 01:30

23/05437/LIPT	Morden & Lea	17 Wardour Street London W1D 6PJ	Restaurant	Sunday; 12:00 - 00:00 Monday to Wednesday; 10:00 - 00:30 Thursday to Saturday; 10:00 - 01:30
19/09529/LIPDPS	Waxy's Little Sister	20 Wardour Street London W1D 6QG	Public house or pub restaurant	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
19/12509/LIPDPS	London Chinatown Restaurant	27 Gerrard Street London W1D 6JN	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
23/06113/LIPT	MW Buffet	58-60 Shaftesbury Avenue London W1D 6LS	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/09170/LIPRW	Viet Food	34-36 Wardour Street London	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
11/01048/LIPDPS	Little Korea Ltd	2 - 3 Lisle Street London WC2H 7BG	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
15/04586/LIPDPS	Vietnamese Restaurant	36 Wardour Street London W1D 6QT	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/01032/LIPDPS	Kowloon Restaurant	Basement And Ground Floor Gerrard Mansions 21 - 22 Gerrard Street London W1D 6JH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/07853/LIPCH	Caffe Concerto	50 Shaftesbury Avenue London W1D 6LW	Cafe	Monday to Sunday; 08:00 - 23:30

19/11416/LIPV	Thai Tho Soho	42 Rupert Street London W1D 6DP	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/09537/LIPDPS	Waxy O'Connor's	Basement And Ground Floor 14 - 16 Rupert Street London W1D 6DD	Public house or pub restaurant	Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00 Monday to Thursday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
20/03201/LIPN	Orient London	15 Wardour Street London W1D 6PH	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/10204/LIPV	London Jade Garden	15 Wardour Street London W1D 6PH	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
14/01226/LIPT	Golden Dragon Restaurant	28 - 29 Gerrard Street London	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/10458/LIPVM	Plum Valley	20 Gerrard Street London W1D 6JQ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30

21/06490/LIPT	Sugar	First Floor And Second Floor 11 Wardour Street London W1D 6PG	Club or institution	Monday; 09:00 - 03:30 Tuesday; 09:00 - 03:30 Wednesday; 09:00 - 03:30 Thursday; 09:00 - 03:30 Friday; 09:00 - 06:00 Saturday; 09:00 - 06:00 Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 03:30 Friday to Saturday; 09:00 - 06:00
23/00615/LIPD	Misato Restaurant	11 Wardour Street London W1D 6PG	Restaurant	Monday to Sunday; 11:00 - 00:00
23/03452/LIPT	Shuang Shuang	64 Shaftesbury Avenue London W1D 6LU	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Sunday; 12:00 - 00:00
23/01924/LIPVM	Clubhouse 5	Ground 5 Lisle Street London WC2H 7BF	Public house or pub restaurant	Sunday; 07:00 - 23:00 Monday to Wednesday; 07:00 - 23:20 Thursday to Saturday; 07:00 - 00:30
16/02850/LIPDPS	Bar Rumba	Ground Floor Unit 17d Trocadero 13 Coventry Street London W1D 7ER	Restaurant	Sunday; 09:00 - 03:30 Monday to Saturday; 09:00 - 06:00
21/14602/LIPDPS	Fratelli La Bufala	Vernon House 40 Shaftesbury Avenue London W1D 7ER	Restaurant	Monday to Sunday; 09:00 - 01:00
21/01866/LIPV	Royal China Restaurant	30 Gerrard Street London W1D 6JS	Restaurant	Monday to Sunday; 12:00 - 03:00

23/02438/LIPVM	Royal China Restaurant	30 Gerrard Street London W1D 6JS	Restaurant	Monday; 12:00 - 03:00 Tuesday; 12:00 - 03:00 Wednesday; 12:00 - 03:00 Thursday; 12:00 - 03:00 Saturday; 12:00 - 03:00 Sunday; 12:00 - 03:00
19/07844/LIPN	United Chip, Unit 34a, The Trocodero	19A Rupert Street London W1D 6DF	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00
21/06593/LIPDPS	Platinum Lace Gentlemans Club	Unit 33 Trocadero 13 Coventry Street London W1D 7AB	Night clubs and discos	Sunday; 15:00 - 03:30 Monday to Saturday; 15:00 - 06:30
23/01355/LIPN	Not Recorded	19A Rupert Street London W1D 6DF	Restaurant	Sunday; 11:00 - 23:00 Monday to Thursday; 12:00 - 22:00 Friday to Saturday; 11:00 - 00:00
20/01462/LIPDPS	HaiDiLao	Units 4 And 5 Trocadero 13 Coventry Street London W1D 7AB	Restaurant	Monday to Sunday; 08:00 - 02:30 Sundays before Bank Holidays; 08:00 - 02:30
23/07506/LIPVM	Coyote Ugly - (30 Shaftesbury Avenue)	Unit 30 Basement Part And Ground Floor Trocadero 13 Coventry Street London W1D 7AB	Leisure (other)	Monday; 08:00 - 03:00 Tuesday; 08:00 - 03:00 Wednesday; 08:00 - 03:00 Thursday; 08:00 - 03:00 Friday; 08:00 - 03:00 Saturday; 08:00 - 03:00 Sunday; 08:00 - 03:00
23/03494/LIPCH	Skewer Beer	Unit 34B Trocadero 19 Rupert Street London W1D 7PN	Restaurant	Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 01:30

22/04961/LIPDPS	Shrimp And Grill	Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB	Restaurant	Monday; 09:00 - 23:30 Tuesday; 09:00 - 23:30 Wednesday; 09:00 - 23:30 Thursday; 09:00 - 23:30 Friday; 09:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 09:00 - 00:00
20/00949/LIPDPS	Not Recorded	Unit 29 Trocadero 13 Coventry Street London W1D 7AB	Shop	Monday to Sunday; 00:00 - 00:00
22/07173/LIPN	Hankki	Basement And Ground Floor 7 Wardour Street London W1D 6PE	Restaurant	Monday; 10:30 - 23:30 Tuesday; 10:30 - 23:30 Wednesday; 10:30 - 23:30 Thursday; 10:30 - 23:30 Friday; 10:30 - 23:30 Saturday; 10:30 - 23:30 Sunday; 10:30 - 23:30
19/05809/LIPDPS	ER MEI	Basement And Ground Floor 6-7 Lisle Street London WC2H 7BG	Not Recorded	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/09847/LIPN	Ruyi Chinese Restaurant	18 Gerrard Street London W1D 6JF	Not Recorded	Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
22/05805/LIPDPS	The Eight	68 - 70 Shaftesbury Avenue London W1D 6LY	Restaurant	Sunday; 11:00 - 04:00 Monday to Saturday; 10:00 - 04:00

22/06081/LIPN	One Plus	31 Gerrard Street London W1D 6JT	Restaurant	Saturday; 11:00 - 00:00 Sunday; 11:00 - 22:30 Monday to Thursday; 11:00 - 23:00
23/05174/LIPVM	Qiang's Brothers	Basement And Ground Floor 72 Shaftesbury Avenue London W1D 6NA	Restaurant	Monday; 12:00 - 23:00 Tuesday; 12:00 - 23:00 Wednesday; 12:00 - 23:00 Thursday; 12:00 - 23:00 Friday; 12:00 - 23:30 Saturday; 12:00 - 23:30 Sunday; 12:00 - 23:00
21/14481/LIPT	Basement Of 3-5 Wardour Street	3-5 Wardour Street London W1D 6PB	Restaurant	Sunday; 12:00 - 22:30 Monday to Saturday; 12:00 - 23:00
23/05147/LIPDPS	Burger & Lobster	W London Leicester Square 10 Wardour Street London W1D 6QF	Restaurant	Monday to Sunday; 08:00 - 01:00
23/01841/LIPVM	W Hotel	W London Leicester Square 10 Wardour Street London W1D 6QF	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00