



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 9th May, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aziz Toki (Chair), Iman Less and Karen Scarborough

1. MEMBERSHIP

1.1 THERE WERE NO CHANGES TO THE MEMBERSHIP.

2. DECLARATIONS OF INTEREST

2.1 THERE WERE NO DECLARATIONS OF INTEREST.

1. BASEMENT AND GROUND FLOOR, 49 BEDFORD STREET, WC2E 9HA

WCC LICENSING SUB-COMMITTEE NO. 1

("The Committee")

Thursday 9 May 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Karen Scarborough

Officer Support Legal Advisor: Michael Feeney
Policy Officer: Daisy Gadd
Committee Officer: Jessica Barnett
Presenting Officer: Kevin Jackaman

Others present: Nana Appiah, representing the Applicant, James Hayes (Licensing Authority), Maxwell Koduah (Environmental Health Services), PC Dave Morgan (Metropolitan Police), Richard Brown, representing the CGCA and Neale Stevenson (Local Resident)

Application for a New Premises Licence in respect of Basement and Ground Floor, 49 Bedford Street, London, WC2E 9HA

Full Decision

Premises

Basement and Ground Floor
49 Bedford Street
London
WC2E 9HA

Applicant

Ali Muhammad Habib Iqbal

Ward

St James's

Cumulative Impact Area

West End

Special Consideration Zone

None

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). According to the application form, the Premises intends to trade as a restaurant/takeaway. The Applicant seeks the following:

1. To grant permission for **Late Night Refreshment** Monday to Saturday 23:00 to 02:00, Sunday N/A. From 23:30 Monday to Thursday and 00:00 Friday to Saturday the provision of late night refreshment will be for consumption off the premises by delivery via third party delivery drivers only.
2. To grant permission for **the Opening Hours of the Premises** Monday to Thursday 09:00 to 23:30, Friday to Saturday 09:00 to 00:00 and Sunday 09:00 to 22:30. From 23:30 Monday to Thursday and 00:00 Friday and Saturday the premises will be closed to the public and will be open for collection of deliveries via third party delivery drivers only.

There is a resident count of 79.

Representations Received

Metropolitan Police Service
Environmental Health Service

Issues raised by Objectors

MPS: A late night refreshment venue open for delivery until 02:00 will have an adverse effect on cumulative impact. The CIZ is experiencing higher levels of crime than at pre-covid levels and any increase or retention of people in the CIZ is of concern to police. There is insufficient mitigation to show that the application would not have an adverse impact on cumulative impact.

EHS: The hours sought are outside of the Council's core hours and the congregation of people around the Premises may lead to noise and disturbance. The Application may have the likely effect of increasing public nuisance and having an adverse effect on public safety.

LA: The Licensing Authority has concerns regarding the application and encourages the Applicant to provide further submissions as to how it will be operated and controlled so as to have no adverse effect on the cumulative impact area.

Local Residents: The application is ill-defined and not sensitive to the community. The proposed hours are later than for other businesses. There is increasing ASB in the area, and the application would encourage people to hang around. The application is vague. A fast food premises increases the risk of public nuisance and will increase noise and disturbance. The CGCA stated that there would not be an objection to late night refreshment until the end of core hours.

Policy Considerations

Policies CIP1, HRS1 and RNT1 apply.

Submissions

1. The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the application and explained that the Applicant was seeking a new premises licence.
2. Ms Nana Appiah of PIL Planning, the agent representing the Applicant, explained that following discussions with officers and residents, the Applicant had now withdrawn the request for third party operating hours outside of core hours.
3. The Sub-Committee asked about the capacity of the premises. Ms Appiah confirmed that the capacity at basement level is 36 and that the unit is a restaurant, not a take-away.
4. The Sub-Committee asked for confirmation that the Applicant was agreeable to core hours for third party deliveries and whether they have an in-house delivery service. Ms Appiah confirmed that they agree to core hours for third party delivery and that they do not provide an in-house delivery service.

5. The Sub-Committee asked what type of food would be served. Ms Appiah explained that the restaurant would be serving Indian food and the majority of customers would be sit-in.
6. The Sub-Committee asked whether the Applicant would add to cumulative impact. Ms Appiah explained that the previous use was a restaurant and the Applicant was not proposing to change this.
7. The Sub-Committee asked where delivery drivers would be asked to leave bikes when collecting deliveries. Ms Appiah stated that drivers would be able to bring their bikes inside to collect, and were happy to have this conditioned.
8. James Hayes from the Licensing Authority welcomed the Applicant withdrawing their request for third party operating hours outside of core hours and if the Applicant could demonstrate that they would not contribute to cumulative impact they would be agreeable to the Application being granted as the Applicant has engaged extensively with the responsible authorities. The Licensing Authority supported all the proposed conditions. Mr Hayes noted that the premises is in one of the quieter areas of the Cumulative Impact Zone. The Premises was small and if all the conditions were adhered to then it would be unlikely to add to cumulative impact.
9. Maxwell Koduah from Environmental Health noted that with the change in proposed hours, conditions 16-20 were now redundant and asked the Sub-Committee if they agree that these should be removed. Mr Michael Feeney, Legal Advisor, asked whether the conditions could be amended to reflect the proposed hours rather than removed. Mr Koduah stated that he would prefer that the restaurant condition follow the wording of MC66 rather than the wording proposed by the Applicant.
10. PC Dave Morgan from the Metropolitan Police noted that with the newly proposed core hours and agreed conditions they would be agreeable to the application being granted.
11. Mr Richard Brown, representing the CGCA and several residents, explained that with the reduction in proposed hours to core hours some previous concerns had now been mitigated. There was no objection to a well-run restaurant within core hours. Mr Brown sought reassurance as to the suitability of the extractor at the rear of the premises. Mr Brown noted that conditions 17-20 should remain with amended hours as they encourage non-polluting vehicles.
12. Mr Stevenson noted that the application lacked detail particularly around where delivery vehicles would be parked on the narrow, one-way street and therefore a lot of attention needed to be placed on the conditions regarding the extraction of smells and disruption to the pavement. Mr Stevenson also requested that a named person and procedure would be needed were there to be complaints.

13. The Sub-Committee asked whether the Applicant would be agreeable to a condition for the manager's phone number being displayed on the premises. Ms Appiah agreed to this condition.
14. Mr Brown, in summing up, noted that they agreed to the wording of the restaurant condition as proposed by Environmental Health.
15. Ms Appiah, in summing up, agreed to a condition regarding peddle bike usage for deliveries. Ms Appiah explained that the applicant is new to the borough of Westminster and they wish to start off well and work with officers and residents going forward. Ms Appiah noted that the previous use had been as a restaurant. Ms Appiah raised concerns that a condition surrounding the extraction fan may be hard to comply with and that any potential future complaints would be picked up and enforced by the Planning and Environmental Health services.
16. There was discussion surrounding the condition requiring that no licensable activities take place until the old premises licence was surrendered and the difficulty the applicant may face in complying with this. Mr Hayes confirmed that if there was no payment of fees then the old premises licence would be suspended and no longer in force. It might therefore be appropriate to amend the condition to ensure that the Applicant was not signing up to something that they could not comply with.

Conclusion and Reasons

1. The Committee has determined an application for a Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.
2. Overall the Committee considered that the Application as amended would promote the licensing objectives and would not add to cumulative impact. The Premises had previously operated as a restaurant, and the robust conditions agreed to by the Applicant would ensure the promotion of the licensing objectives, especially given that the Applicant was not seeking any sale of alcohol.
3. In reaching this conclusion, the Committee placed great weight on the fact that the objections of the Responsible Authorities had been answered by the Applicant's willingness to reduce the Application to core hours and to agree conditions. Mr Brown representing the CGCA also confirmed that there was no objection to a well-run restaurant within core hours. The Committee therefore agreed with the Licensing Authority that a small premises of this type being run according to a robust set of conditions would not add to cumulative impact and would promote the licensing objectives.
4. Although EHS had questioned whether all of the conditions were necessary to be included following the reduction in hours, given the location of the Premises within the CIZ and given that the Applicant was willing to agree to all conditions, the Committee decided that it was appropriate and proportionate

to impose all of the conditions the Applicant had agreed to, particularly in relation to delivery drivers. The Committee also agreed with the Licensing Authority that the condition in relation to the old premises licence should be amended so as to ensure that the Applicant was not signing up to something that he could not comply with.

5. The Committee noted the concerns expressed by local residents about the operation and suitability of the extraction system. The Committee considered that this concern was addressed by the condition specifying that '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.' If there are any complaints about odours from the Premises then the Committee would expect EHS to investigate the suitability of the extraction system in order to ensure compliance with this condition.
6. In addition, the Committee agreed with EHS that condition 1 should mirror the wording of MC66 in order to ensure that the Premises operates as a restaurant.
7. Finally, the Committee included an informative regarding the behaviour of delivery drivers before 23:00 in order to encourage the Premises to operate in a respectful manner that would reduce the impact on local residents as much as possible.

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

1. To grant permission for **Late Night Refreshment** Monday to Thursday 23:00 to 23:30, Friday to Saturday 23:00 to 00:00, Sunday N/A. Sunday immediately before a Bank Holiday 23:00 to 00:00.
2. To grant permission for **the Opening Hours of the Premises** Monday to Thursday 09:00 to 23:30, Friday to Saturday 09:00 to 00:00, Sunday 09:00 to 22:30. Sunday immediately before a Bank Holiday 09:00 to 00:00.
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.
5. 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) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iii) which do not provide any takeaway service of food or drink for immediate consumption off the premises.

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.

6. 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.
7. All windows and external doors shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. 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.
10. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
11. No deliveries to the premises shall take place between 23:00 and 08:00 hours on the following day.
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. 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.
14. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks with them.
15. 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.
16. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.

17. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
18. No licensable activities shall take place at the premises until premises licence 19/00356/LIPN is no longer in force or has been surrendered and is incapable of resurrection.
19. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons.
20. 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 premises; not leave engines running when the vehicles are parked; and not to obstruct the highway.
21. After 23:00, the licence holder shall ensure that delivery drivers/riders exclusively use pedal bikes, electric bikes or other electric vehicles only for delivery.
22. The premises licence holder shall ensure that riders will not be permitted to congregate in the immediate vicinity of the premises.
23. After 23:00, delivery drivers shall always wait inside the premises while waiting to pick up orders.
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
25. 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.
26. Except for external delivery orders collected by third party delivery firms, there shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
27. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.

28. 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 licensed premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
29. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service
30. The following informative shall also be included on the Premises Licence.
31. Although the conditions 'the licence holder shall ensure that delivery drivers/riders exclusively use pedal bikes, electric bikes or other electric vehicles only for delivery' and 'delivery drivers shall always wait inside the premises while waiting to pick up orders' apply only after 23:00, the licence holder is encouraged to follow these conditions before 23:00 as well.

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

**The Licensing Sub-Committee
9 May 2024**

2. 16 HENRIETTA STREET, WC2E 8QH

WCC LICENSING SUB-COMMITTEE NO. 1
("The Committee")

Thursday 9 May 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Karen Scarborough

Officer Support Legal Advisor: Michael Feeney
Policy Officer: Daisy Gadd
Committee Officer: Jessica Barnett
Presenting Officer: Kevin Jackaman

Others present: Jack Spiegler of Thomas and Thomas Partners representing the Applicant

Application for a New Premises Licence in respect of 16 Henrietta Street, London, WC2E 8QH

Full Decision

Premises

16 Henrietta Street
London
WC2E 8QH

Applicant

Capital & Counties CG Limited
Capital & Counties CG Nominee Limited

Ward

St James's

Cumulative Impact Area

West End

Special Consideration Zone

None

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The application is made by the landlord of the Premises, which used to operate as a restaurant. The previous licensee (tenant) has gone into insolvency. The Applicant seeks the following:

1. To grant permission for **Late Night Refreshment** Monday to Saturday 23:00 to 00:30, Sunday 23:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
2. To grant permission for **Recorded Music** Monday to Saturday 23:00 to 00:30, Sunday 23:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
3. To grant permission for **Sale by Retail of Alcohol (On and Off Sales)** Monday to Saturday 10:00 to 00:00, Sunday 12:00 to 23:30. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
4. To grant permission for **the Opening Hours of the Premises** Monday to Saturday 10:00 to 00:30, Sunday 12:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

There is a resident count of 79.

Representations Received

Environmental Health Service- **withdrawn after noting that application mirrors licence that has lapsed due to insolvency and no noise issues at the premises whilst it traded**

Two Local Residents

Issues raised by Objectors

Local Residents: Extending alcohol licensing hours in close proximity to residential areas would exacerbate existing challenges relating to public intoxication, underage drinking and the well-being of community members. It is imperative to prioritise the needs of property owners and residents, ensuring there is safety, peace and respect for residential and commercial properties. A nearby premises on that side of Henrietta street has become a real nuisance. Another alcohol licence until midnight will make the street even less habitable for neighbours.

Policy Considerations

Policies CIP1, HRS1 and RNT1 apply.

Submissions

1. The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the application and explained that the applicant was seeking to replace a previously lapsed licence with licensable activities in the same terms as the previous lapsed licence.
2. Mr Jack Spiegler of Thomas and Thomas Partners, the agent representing the Applicant, outlined the application, noting that the Applicant is a significant

landowner and stakeholder in the West End who takes a pro-active approach to managing their buildings.

3. Mr Spiegler explained that the previous tenant at 16 Henrietta Street had gone into liquidation in February 2024 causing the premises licence to lapse. The applicant was therefore applying to re-instate the lapsed licence with the same terms.
4. Mr Spiegler noted that the two representations received in respect of the application were based on misunderstandings of the application; the first that they were seeking to extend licensing hours and the second that they were seeking to introduce a new licenced premises to the street. Mr Spiegler explained that neither objector had engaged with the applicant.
5. Mr Spiegler noted that paragraph D21 of the Statement of Licencing Policy recognised that in circumstances such as these, licences could be granted on the terms applied for.
6. The Sub-Committee asked Mr Spiegler what type of tenant would be occupying the space moving forward and whether the floor plan would remain the same. Mr Spiegler explained that the Applicant did not have a new tenant lined up but were being pro-active in attempting to have a new licence lined up.
7. The Sub-Committee asked Mr Spiegler what type of restaurant the previous tenant had. Mr Spiegler explained that the previous restaurant called Frenchie opened in around 2015 and was very successful however they began to struggle after the Covid pandemic and quickly went into liquidation in February 2024, unbeknownst to the Applicant.
8. The Sub-Committee asked Mr Spiegler whether the applicant would accept a cap on the capacity of covers in the drinking only area of the restaurant. Mr Spiegler stated that they would be resistant to any condition such as this given there had been no historical complaints regarding this. Mr Spiegler also noted that the Applicant carefully vets all potential tenants.

Conclusion and Reasons

1. The Committee has determined an application for a Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.
2. The restaurant use of the Premises is secured by condition. The Premises is located in the CIZ, but as the application is for a shadow licence in the same terms as the previous licence that had lapsed the Committee was satisfied that granting the application would not add to cumulative impact. This was especially true since there was no evidence that the operation of the Premises under the previous tenant had undermined the licensing objectives. The Committee considered that a restaurant vetted by the Applicant and run in the same way as before would promote the licensing objectives.

3. In reaching its conclusion, the Committee placed great weight on the fact that the Licensing Authority, Metropolitan Police and Environmental Health did not object to the Application. The Committee considered that this demonstrated that the Application was acceptable and policy compliant.

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

1. To grant permission for **Late Night Refreshment** Monday to Saturday 23:00 to 00:30, Sunday 23:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
2. To grant permission for **Recorded Music** Monday to Saturday 23:00 to 00:30, Sunday 23:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
3. To grant permission for **Sale by Retail of Alcohol (On and Off Sales)** Monday to Saturday 10:00 to 00:00, Sunday 12:00 to 23:30. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
4. To grant permission for **the Opening Hours of the Premises** Monday to Saturday 10:00 to 00:30, Sunday 12:00 to 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
5. That the Licence is subject to any relevant mandatory conditions.
6. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.
7. The number of persons accommodated at any one time (excluding staff) shall not exceed:

Ground Floor: 90 persons
Basement: 30 persons
8. The area hatched black on the deposited plans 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 takeaway service of food or drink for immediate consumption,

- (v) which do not provide any takeaway 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 a substantial table meal 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.

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.

9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. 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.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
14. 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.
15. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.

16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks or glass containers with them.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, 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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
20. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.

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

**The Licensing Sub-Committee
9 May 2024**

3. FIREAWAY PIZZA, BASEMENT AND GROUND FLOOR, 79 WILTON ROAD, SW1V 1DL

WCC LICENSING SUB-COMMITTEE NO. 1
("The Committee")

Thursday 9 May 2024

Membership: Councillor Aziz Toki (Chair), Councillor Iman Less and Councillor Karen Scarborough

Officer Support Legal Advisor: Michael Feeney
Policy Officer: Daisy Gadd
Committee Officer: Jessica Barnett
Presenting Officer: Kevin Jackaman

Others present: M El Sayed (Applicant), Anil Drayan (Environmental Health Services), Richard Brown, representing Charlotte Middleton, and Mr Struycken

Application for a New Premises Licence in respect of Fireaway Pizza, Basement and Ground Floor, 79 Wilton Road, London, SW1V 1DL

Full Decision

Premises

Fireaway Pizza
Basement and Ground Floor
79 Wilton Road
London
SW1V 1DL

Applicant

M El Sayed

Ward

Pimlico North

Cumulative Impact Area

None

Special Consideration Zone

Victoria Buffer

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises operates as a pizza restaurant over the basement and ground floor. The Applicant seeks the following:

1. To grant permission for **Late Night Refreshment** Monday to Thursday 23:00 to 23:30, Friday to Sunday 23:00 to 00:00
2. To grant permission for **the Opening Hours of the Premises** Monday to Thursday 12:00 to 23:30, Friday to Sunday 12:00 to 00:00.

There is a resident count of 145.

Representations Received

Environmental Health Service
Metropolitan Police Service- **withdrawn following agreed conditions**
Two Local Residents

Issues raised by Objectors

EHS: A representation has been made because the insufficient and unclear conditions have been offered. The application may undermine the public nuisance and public safety licensing objectives.

Local Residents: Extending the hours will lead to more nuisance. It will lead to cars/traffic and people talking/smoking outside. Intoxicated crowds will go to this restaurant which would be open later than other restaurants in the area. Local residents are already plagued with noise and disruption from delivery drivers and late night eaters. Having longer opening hours would make the premises a magnet at night.

Policy Considerations

Policies SCZ1, HRS1 and FFP1 apply.

Submissions

1. The Presenting Officer, Kevin Jackaman, Senior Licensing Officer, introduced the application for a new premises licence, made by Mr El Sayed.
2. Mr El Sayed, the applicant, explained that the business has been run as a franchise and has been open since July 2024 without any complaints received. Mr El Sayed noted that they do not sell alcohol. Mr El Sayed explained that the premises has one metre of pavement at the front of the store where delivery drivers are able to park when collecting orders from the premises and that the pizzas take three minutes to cook, which reduces the amount of time delivery drivers need to wait to collect orders. Mr El Sayed

noted that there are a number of other restaurants and take-aways on Wilton Road with extended opening hours.

3. The Sub-Committee asked whether there was any outdoor seating and what type of food is served. Mr El Sayed confirmed that there was no outdoor seating and the only food served was pizza.
4. The Sub-Committee asked what delivery services the business uses. Mr El Sayed stated that they use Deliveroo and Uber Eats and do not provide any in-house delivery service. Both Deliveroo and Uber Eats delivery drivers use peddle bikes which reduces noise.
5. The Sub-Committee asked whether there was a condition requiring delivery services only use peddle bikes. It was confirmed that this had not been proposed by Environmental Health.
6. The Sub-Committee asked how many deliveries are made in an evening. Mr El Sayed responded that they deliver approximately 20 deliveries in an evening.
7. Mr Anil Drayan from Environmental Health re-iterated that the application is solely to decide late night refreshments after 23:00 and that the applicant had accepted the police condition of no deliveries after 23:00 therefore if the Sub-Committee were minded to apply a peddle bike condition, this would not be applicable. Mr Drayan noted that he was initially concerned with how the business would deal with delivery requests received close to 23:00 but following discussion with applicant they explained that they are able to put a 'no orders after 10.45pm' on their system which will allow them to stick to the 23:00 curfew on deliveries.
8. Mr Drayan confirmed that the applicant has agreed to all other proposed conditions. Mr Drayan noted that he had checked the extraction system and was involved in the original planning application for the premises where various conditions for odour and noise were applied and since the business has been in operation they have not received any complaints. Mr Drayan explained that the premises does contain a small outdoor private forecourt at the rear. The Applicant had confirmed that this is not used however Environmental Health asked for a condition for this space not to be used after 23:00 just in case.
9. Mr Drayan noted that there are enforcement powers if issues do arise. There have been cases where the planning and licensing grant consents for different hours and conditions and the Applicant in this case would have to comply with the conditions on both the planning permission and the premises licence.
10. Mr Richard Brown, from Westminster's Licensing Project, representing a local resident living in close proximity, explained that they are directly impacted by the premises and others on the same street late opening hours. The particular problems were noise from take-away customers and delivery drivers. Mr Richard Brown stated that they were happy with the condition of no deliveries

after 23:00 however they would also like a condition for no take-away by walk-in customers after 23:00.

11. Mr Struycken, a local resident explained that they regularly experience disturbances from customers sitting outside their home eating and discarding rubbish from local businesses including Fireaway Pizza. Mr Struycken noted that they are not aware of any other premises in the area operating later than 23:00 and were concerned that should this licence be granted, other businesses in the area would follow suit. This would attract more people in the area late at night.
12. The Sub-Committee asked whether it would be possible to add a condition regarding waste and rubbish. It was confirmed that there is a condition regarding this.

Conclusion and Reasons

1. The Committee has determined an application for a New Premises Licence under the Licensing Act 2003. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining this application.
2. The Sub-Committee considered that granting the application within core hours alongside the conditions agreed by the Applicant would promote the licensing objectives. The willingness of the Applicant to agree to the conditions proposed also indicated that they had taken account of the issues in the Victoria Buffer Special Consideration Zone (including noise at night), in accordance with policy SCZ1.
3. In reaching its conclusions, the Sub-Committee in particular placed weight on the fact that the Applicant had agreed for there to be no food delivery service after 23:00 hours, thereby reducing the potential impact of delivery drivers on local residents late at night. The Sub-Committee also placed great weight on the fact that the Responsible Authorities were content for the Application to be granted.
4. The Sub-Committee noted the concerns of the two local residents regarding nuisance and rubbish. However, the Sub-Committee considered that the conditions proposed were robust and enforceable such that the licence holder would be required to follow them. The agreed conditions included a condition regarding rubbish, and the licence holder was required to follow this condition. If he did not, then enforcement action could be taken. It was noted that this represented an improvement compared to the current situation where the Premises was able to operate until 23:00 hours without a Premises Licence and without any conditions designed to promote the licensing objectives and lessen the impact on residential amenity.
5. Finally, it was considered that a condition to prevent hot food takeaway by walk-in customers after 23:00 hours would be disproportionate given the small size of the Premises, the fact that the Premises would operate within core

hours, the fact that the Responsible Authorities were content with the application and the willingness of the Applicant to agree to all other conditions.

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

1. To grant permission for **Late Night Refreshment** Monday to Thursday 23:00 to 23:30, Friday to Saturday 23:00 to 00:00, Sunday N/A. Sunday immediately before a Bank Holiday 23:00 to 00:00.
2. To grant permission for **the Opening Hours of the Premises** Monday to Thursday 12:00 to 23:30, Friday to Saturday 12:00 to 00:00, Sunday 12:00 to 22:30. Sunday immediately before a Bank Holiday 12:00 to 00:00.
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
6. 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.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons

- (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service
8. There shall be no food delivery service after 23:00.
 9. All windows and external doors shall be kept closed after 23:00 hours except for immediate access and egress of persons.
 10. After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks containers with them.
 11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 12. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 13. 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.
 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 businesses and residents in the vicinity.
 15. All tables and chairs shall be removed from the outside area by 23:00 hours each day.
 16. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway.
 17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day unless it is during the council's own collection times for the street.
 19. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
 20. 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 or washed, and litter and

sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

21. The number of persons permitted in the basement part of the premises at any one time (excluding staff) shall not exceed 20 persons.

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

**The Licensing Sub-Committee
9 May 2024**

The Meeting ended at 1.30 pm