



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 13th June, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Aziz Toki (Chair), Maggie Carman 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. HOMESLICE, BASEMENT AND GROUND FLOOR, 52 WELLS STREET W1T 3PR

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1 **("The Committee")**

Thursday 13 June 2024

Membership: Councillor Aziz Toki (Chair), Councillor Maggie Carman and Councillor Karen Scarborough

Officer Support:	Legal Adviser:	Steve Burnett
	Committee Officer:	Katherine Stagg
	Presenting Officer:	Kevin Jackaman

Other Parties: Mr Baba Ayo-Ojo, (Applicant,)
PC Adam Deweltz (Metropolitan Police Service - MPS),
Mr Anil Drayan (Environmental Health - EH),

Ms T E, Mr V C and Mr G H. (Residents)

**Application for a Variation of Premises Licence in respect of
Basement And Ground Floor, 52 Wells Street, London W1T 3PR 24/00950/LIPV**

Premises:

Basement And Ground Floor
52 Wells Street
London
W1T 3PR

Premise Licence Holder (“PLH”):

Mr Baba Ayo-Ojo

Ward:

West End

Cumulative Impact Area

N/A

Special Consideration Zone

N/A

SUMMARY OF APPLICATION

This is an application for a Variation of Premises Licence under the Licensing Act 2003 (“The Act”) in respect of Basement And Ground Floor, 52 Wells Street, London W1T 3PR (“The Premises”).

The Premises currently operates as a restaurant. The PLH is Mr Baba Ayo-Ojo. The Premises Licence Holder (PLH) seeks to vary the Premises Licence as follows:-

To extend the terminal hours for Late Night Refreshment (indoors) and the sale of alcohol (on and off) on Mondays to Saturdays to 01.30
The terminal hour for late night refreshment on New Years’ Eve to be extended to 05: 00 on New Years’ Day.
The opening hours on a Monday to Saturday from 00.30 to 02.00.

The Premises are located within the West End Ward but does not fall within the West End Cumulative Impact Zone or Special Consideration Zone. There is no policy presumption to refuse this application.

There is a resident count of 277.

Representations Received

- Environmental Health Service
- Metropolitan Police Services
- The Fitzrovia Neighbourhood Association.
- 48 local residents

EHS states:

The increase in hours proposed for the Sale of Alcohol may have the effect of increasing Public Nuisance in the area.

The increase in hours proposed for the Provision of Late-Night Refreshment may have the effect of increasing Public Nuisance in the area.

MPS states:

The proposed licensable activities are likely to undermine the Prevention of Crime and Disorder.

The Police have concerns that a premises, which provides alcohol and Late-Night Refreshment until 01:30am Monday through to Saturday, could adversely impact the area. Furthermore, these hours are outside of Westminster's core hours Policy.

Interested Parties in summary, states:

- Activities outside the Premises will cause a nuisance.
- Will cause noise into the later hours. The Premises Licence is already in excess of core hours.
- Area is a very quiet residential area.
- No control of customer noise once they leave the Premises.

Policy Considerations

Policies HRS1 paragraphs B and C and RNT1 paras A and C apply under the City Council's Statement of Licensing Policy ("SLP").

SUBMISSIONS AND REASONS

1. Mr Kevin Jackaman, Licensing Officer, outlined the application to the Committee. He advised that representations had been received from the Metropolitan Police Service (MPS), Environmental Health Service (EHS), and 49 interested parties.
2. The Premises is located within the West End Ward but not in the West End Cumulative Impact Area or Special Consideration Zone. He confirmed that the additional submissions from the Applicant and the Interested Parties had been circulated.
3. Mr Baba Ayo-Ojo, the Applicant, outlined the application to the Committee. He advised that he had recently taken over the premise and had worked in events for over 25 years with his first licensed premise in Birmingham in 2015. He currently had 4 licensed premises including a late night restaurant in Dulwich which is open until 02:00Hrs. He advised that the current licence for the Premises has limited conditions, including no conditions on CCTV and SIA door staff which he could use to operate as a nightclub. He applied for this

variation to increase conditions and protections for his customers and residents while requesting a later closing time.

4. Mr Ayo-Ojo advised that he was happy with the conditions the Licensing Authority had requested on the licence and that this variation would be more beneficial for the surrounding area and residents as currently he could operate as a nightclub under the current licence which he did not want to do. He wishes to operate a restaurant.
5. In response to questions, Mr Ayo-Ojo advised that he was happy for model condition MC66 to be on the licence as the premise would be a Mediterranean restaurant named OMI. It will have a capacity of 120 and there will be no deliveries. Mr Ayo-Ojo advised that he is a personal licence holder and that there is a designated smoking area at the front of the premise. The Committee was advised that he is yet to engage with the local community. To mitigate the impact on residents he had a dispersal plan which included keeping patrons inside until their transport arrives. Mr Ayo-Ojo advised that he accepts a condition to not allow queueing outside the Premises.
6. Mr Anil Drayan, representing Environmental Health Service (EHS), advised that they were satisfied the Applicant had agreed to MC66 on the licence and the EHS would like Condition 10 on the current Premises Licence to be removed. Mr Drayan advised that if the Committee were minded to grant the application, EHS would like the additional conditions detailed in Mr Drayan memo dated 11 June 2024. Mr Drayan advised that the Committee needed to take into account that it was a residential area and the history of the premise. He advised that it had previously been a pizza restaurant and a wine bar in 2013-2014 which caused numerous complaints. Mr Drayan advised that the Premise could already operate beyond core hours and EHS would like for the Applicant to operate at the current hours for a period of time before applying for extended hours.
7. PC Adam Deweltz, representing Metropolitan Police Service, advised the Committee that their representations were maintained due to the possibility of crime and disorder. He welcomed that the Applicant had agreed to MC66 but the extension of hours and time for consumption of alcohol could have an adverse effect on the area with an increased probability of anti-social behaviour. He advised that Well Street was not an area of high crime but was 5 minutes away from Oxford Street and Piccadilly Circus which was a crime hotspot. He advised that EHS and the MPS conditions mirror one another, and they would like the Applicant to agree to them.
8. Mr GH advised the Committee that the residents had had no engagement with the Applicant and the residential block opposite the restaurant is filled with key workers and vulnerable residents whose bedrooms all face towards the premise.
9. He advised that in the summer they have to have their windows open for ventilation. Mr GH advised that he noted that the Applicant could not organise a site visit for the EHS. Mr GH advised that a restaurant open until 02:00 hrs

would cause conflict with the surrounding neighbours as patrons leaving could consume their part consumed alcohol on the steps outside the Premises and there are no trees to absorb the sounds, so conversations are amplified. Mr GH advised that there had been recent vandalising of cars on the street and public urination. He also advised that that it is a one-way street and people leaving will cause slow traffic, pollution and noise nuisance. This will impact on the enjoyment of their lives and will increase the workload of the EHS noise team.

10. In response to questions from the Committee Mr Ayo-Ojo advised that he was still renovating and had no chef or menu set. It is the chef who would dictate the menu and there was little point in employing a chef without a suitable Premises Licence. He advised that the extension of hours would allow more diners and not an extension of drinking time as each reservation had a two-hour time slot.
11. Ms TE echoed Mr GH comments that the residents had not been consulted about the application. She advised that the application is out of line with other premises operating times in the area and they have more conditions on their licence. She advised that there is no sound proofing at the property and with the narrow streets, sound reverberates. She also stated that there was no dispersal policy which would mitigate the noise impact on residents. She advised that the smoking area is directly below some residents' properties. She advised that the nearest licensed property, the Kings Arms Pub, did not allow anyone outside their premise after 22:00Hrs and the street where it was located was far less residential than Wells Street. Ms TE advised that the previous tenants Homeslice did not have table and chairs outside which the Applicant disputed. Mr Drayan advised that it was a private forecourt with a capacity of 15 and one of his conditions renders these unusable after 23:00 hrs.
12. Mr VC advised the Committee that he had lived in the property next door to the Premise since 1985 and while he is supportive of local businesses the increase in hours requested would have a serious impact on his work. He advised that the street was a quiet residential area and if there was any noise after 23:00 hrs EHS Noise Team gets contacted. He advised that when people leave the premises they loiter and talk which was only a few meters away from his bedroom. He advised that there is an alley on the other side of his property where people urinate, and this would be exacerbated by the application. Mr VC advised that group bookings leaving the premise at 02:00 hrs would not be sustainable as the Noise Team would get complaints from residents every night.
13. In summing up Mr Drayan (EHS) advised that under the current licence, when operating as a wine bar, there were a lot of complaints to the Noise Team. This continued when Homeslice operated under Condition 10 but resolved when they closed at 23:00Hrs. He advised that if the Applicant operated as a restaurant, they had a better chance of not causing a nuisance to the existing hours. He advised that EHS would like the Applicant to demonstrate that they can operate without complaint to the current hours before being granted later

hours. Mr Drayan advised that he would like the Applicant to operate solely under MC66 with Condition 10 removed.

14. In summing up PC Adam Deweltz (MPS) advised that he hoped the lack of engagement with residents was not indicative of how the premise would operate as co-operation is needed. He advised that the Applicant had never operated a premise in Westminster before and the MPS needs to understand how they will respond if incidents occur.
15. Mr GH in summing up advised that a late-night licence on the street would impact negatively on residents including key workers and the elderly.
16. Ms TE in summing up advised that even core hours would have a detrimental impact on their lives and reminded the Committee that this application's hours differ from current operators in the area.
17. Mr VC in summing up advised that he considered 00:30 Hrs excessively late to operate a restaurant let alone 02:00Hrs. The hours would have a real impact on residents' performance due to sleep disturbance and this type of premise does not work for the area.
18. In summing up Mr Ayo-Ojo advised that he understands the concerns of the residents. His intent for varying the licence and putting new conditions on the licence, was to mitigate and find a balance between creating a successful business and the residents' concerns. He advised that it would be a sit-down restaurant and MC66 reiterates this.
19. The Applicant reviewed and accepted the EHS and MPS conditions. He then agreed to compromise and reduce his hours of trade, reiterating that currently there are no restrictions to prevent the Premises operating as a high energy nightclub.
20. Mr Ayo-Ojo and the interested parties continued discussed their concerns and Steve Burnett the Legal Officer, went through the proposed conditions with all parties. Mr Ayo-Ojo confirmed that he would be happy to remove Condition 10 on the licence, agreed to additional conditions and after discussions agreed to vary the hours requested.
21. The Applicant proposed the terminal hours for LNR, and opening times would be 00:00 Sun to Thurs and a reduction of the application for closing on Fridays and Saturdays to 01:30, with licensable activities ceasing at 01:00. This would include the agreed conditions, deletion of condition 10 and the addition of conditions which would restrict new customers to before 00:00, no smokers outside the Premises after 00:00 and the number of smokers to be restricted to 6, that the outside area and queuing will be managed, that a dispersal policy will be submitted and available to the relevant authorities and the model 'work' condition.

DECISION:

22. The Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application.
23. It was noted by the Committee that the Licensing Authority had not made representations against the application and that the Applicant had agreed to conditions requested by Environmental Health and the Metropolitan Police Service.
24. The Committee noted paragraph RNT1 and all other relevant parts of the SLP.
25. The Committee was persuaded that the application met the policy requirements under the SLP. The Committee imposed conditions and considered them to be appropriate and proportionate considering all the submissions and concerns outlined by interested parties during the hearing.
26. The Committee recognised the concessions made by the Applicant, including the reduction of his current hours of trade on Mon – Thurs and conditions restricting the operation to a strict restaurant. The current Premises Licence allows the operation of a nightclub or wine bar and, as have been witnessed historically, this caused serious issues for the area and residents.
27. It is noted that there is no mechanism under the Act to refuse the application to vary a premises licence for the extension of hours but add a restaurant condition without the Applicant's agreement or by way of the statutory review process.
28. The Committee concluded that the conditions imposed would alleviate the residents' concerns, and that they were appropriate and would promote the licencing objectives.
29. Having carefully considered the Licensing Act 2003, the Guidance issued under sec 182 of the Act, Westminster's Statement of Licensing Policy, the committee papers, additional papers, and the submissions made by all of the parties orally, the Committee has decided after taking into account all of the individual circumstances of this particular case and the promotion of the four licensing objectives to **GRANT** the Application granted subject to the following amendments and conditions, namely:

1. To **Permit:**

Late Night Refreshment (Indoors)

Sundays to Thursdays 23:00 to 00.00
Fridays and Saturdays 23:00 to 01:00

The Terminal Hour for Late night refreshment on New Year's Eve is extended to 05:00 on New Years Day.

Sale by Retail of Alcohol (Both)

Mondays to Thursdays 10:00 to 23:30

Fridays and Saturdays 10:00 to 01:00

Sundays 12:00 to 23:30

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Hours Premises Are Open to the Public

Mondays to Thursdays 10:00 to 00:00

Fridays and Saturdays 10:00 to 01:30

Sundays 12:00 to 00:00

2. Existing relevant Mandatory Conditions to apply.
3. **Existing and additional conditions consistent with the operating schedule which are appropriate and proportionate and promotes the Licensing Objectives:**

9. The premises shall only operate as a restaurant:

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

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

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

10. No striptease, no nudity and all persons on the premises to be decently attired.

11. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.

(a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

(b) 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.

(c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

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

13. 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.

14. The sale or supply and/or consumption of intoxicating liquor shall be confined to the areas coloured pink on the approved Premises Licence.

15. The agreed capacity of the premises is as follows (excluding staff):

Basement: 40

Ground: 65

External: 15

16. 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.

17. 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 visit by a relevant authority or emergency service.

18. There shall be no use of any external food delivery companies e.g. Deliveroo & Uber after 00:00 hours

19. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by

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

20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

21 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.

22. All outside tables and chairs shall be removed or rendered unusable after 23:00 hours.

23. A direct and active mobile number for the on-duty manager at the premises shall be available at all times the premises is open. This telephone number is to be made readily available to residents and businesses in the vicinity.

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

25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

26. 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 unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

27. 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 unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

28 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.

29 No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority. If there are minor changes during the course of construction new plans shall be submitted with the application to remove this condition.

Conditions Agreed at Hearing with the Applicant:

30. No new patrons shall be permitted entry onto the Premises after the following times.
- a) 23:00 on Sundays to Thursdays
 - b) 00:00 on Fridays and Saturdays
31. Patrons shall not be permitted to smoke outside the Premises after the following times.
- a) 23:00 on Sundays to Thursdays
 - b) 00:00 on Fridays and Saturdays
32. No more than 6 patrons shall be permitted to smoke outside the Premises at any one time.
33. A copy of the premises' dispersal and management policy, to include management of patrons smoking, shall be agreed with the Environment Health Team, and this shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council on request.

Conditions imposed at the Hearing as appropriate and proportionate to promote the licensing objectives.

34. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
35. The premises licence holder shall ensure that any queue to enter the premises is orderly, so as to ensure that there is no public nuisance or obstruction to the public highway.

INFORMATIVE.

The Committee strongly recommends that the Applicant has continual engagement with the numerous local residents who could be directly affected by the operation of the Premises.

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

**The Licensing Sub-Committee
13 June 2024**

2. BASEMENT AND GROUND FLOOR, 353 HARROW ROAD W9 3NA

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1
("The Committee")

Thursday 13 June 2024

Membership: Councillor Aziz Toki (Chair), Councillor Maggie Carman and Councillor Karen Scarborough

Officer Support: Legal Adviser: Steve Burnett
 Committee Officer: Katherine Stagg
 Presenting Officer: Kevin Jackaman

Other Parties: Mr Grover Paranjeet Singh, (Applicant)
 Mr Panchal (For and on behalf of the Applicant)
 Mr Anil Drayan (Environmental Health - EH),

Application for a New Premises Licence in respect of Basement And Ground Floor, 353 Harrow Road, London W9 3NA - 24/01504/LIPN

Premises

Basement And Ground Floor
353 Harrow Road
London
W9 3NA

Applicant and Premises Licence Holder (PLH)

Mr Grover Paranjeet Singh

Ward

Harrow Road

Cumulative Impact

N/A

Special Consideration Zone

N/A

There is a resident count of 301

-

Summary of the Application

This is an application for a new premises licence under the Licensing Act 2003 (“The Act”). The premises proposes to operate as an Off Licence and Convenience Store

To Permit:

-

Sale by Retail of Alcohol (off)

Monday to Saturday 08:00 to 23:00
Sundays 09:00 to 22:30

Hours Premises Are Open to the Public

Monday to Sundays 08:00 to 23:00

Representations Received

- Anil Drayan – EHS
- PC Dave Morgan – MPS (**Withdrawn 1st May 2024**)
- 8 Objections from Interested Parties

Issues raised by Objectors.

The EHS states there is insufficient information has been provided and the proposal may therefore undermine the licensing objectives.

The residents state that the granting of the application would increase anti-social behaviour.

Policy Considerations

HRS1 States:

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.

The Core Hours for **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.

SHP1 states:

- A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to complying with other policies listed under paragraphs A and C of SHP1:

SUBMISSIONS AND REASONS

1. Mr Kevin Jackaman, Licensing Officer, outlined the application to the Committee.
2. Mr Panchal (For and on behalf of the Applicant), informed the Committee that the PLH has a Personal Licence and operates a number of other shops, which have not been the subject of any enforcement action by the Relevant Authorities.
3. He then expanded on the agreed conditions and highlighted that after agreement, the MPS withdrew their objections. The conditions and in particular those relating to training, challenge 25, CCTV provision and a refusal book will help to promote the Licensing Objectives.
4. Mr Panchal highlighted to the Committee that need was not a licensing issue, so references in the objections should be given limited weight.
5. In response to questions from the Committee, the Applicant confirmed which shops belonged to him and that he understood the issues in the area. He has traded there for 7 to 8 years.
6. They will not provide deliveries, save to the elderly.
7. Mr Drayan stated he maintained his objection as there were a number of objections from residents and he wanted to hear their views. He then confirmed that he was happy with the application.
8. The PLH and EHO agreed to attach model conditions MC35 and 43 to the Premises Licence if it is granted.

DECISION:

Having carefully considered the Licensing Act 2003, the Guidance issued under sec 182 of the Act, Westminster's Statement of Licensing Policy, the committee papers, additional papers and the submissions made by all of the parties orally, the Committee has determined 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:

To Permit:

Sale by Retail of Alcohol (off)

Monday to Saturday 08:00 to 23:00
Sundays 09:00 to 22:30

Hours Premises Open to the Public

Monday to Sundays 08:00 to 23:00

2. Relevant Mandatory Conditions to apply.

3. To add conditions proposed to form part of the operating schedule:

Conditions consistent with the operating schedule

6. All goods, including those subjects to duty payments i.e. alcohol and tobacco products shall be brought from cash and carries only an invoices and they shall be available upon request. All alcohol shall be purchased from AWRS registered cash & carry or wholesalers.

7. All staff shall be trained every 6 months in relation to the licensing objectives and making sure they are promoted properly.

8. Notice displayed asking customers to leave quietly from premises also customers shall be told in person to leave quietly and not to disturb the local neighbourhood.

9. A sign stating “No proof of age – No sale” shall be displayed at the point of sale.

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

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points shall 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 shall 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.

11. 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.

12. All sales of alcohol for consumption off the premises shall be in sealed containers only.

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

14. 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.

16. 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.

17. 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.

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

19. 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.

20. 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.

21. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

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 shall 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.

23. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

24. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

Conditions proposed by the Environmental Health team and agreed with the Applicant at the hearing.

25. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) hours on the following day,

unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

26. 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, unless collections are arranged during the times for the Council's own commercial waste collection service for the street.

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

**The Licensing Sub-Committee
13 June 2024**

3. 75 DEAN STREET W1D 3PU

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 1
("The Committee")

Thursday 13 June 2024

Membership: Councillor Aziz Toki (Chair), Councillor Maggie Carman and Councillor Karen Scarborough

Officer Support:	Legal Adviser:	Steve Burnett
	Policy Officer:	Daisy Gadd
	Committee Officer:	Katherine Staggs
	Presenting Officer:	Kevin Jackaman

Other Parties: Mr Alun Thomas, Thomas & Thomas Solicitors (Agent for the Applicant),
Mr Adan Price and Mr Ben Dossett, (Applicant - Company Soho Estates Limited,

Ms Karyn Abbott (Licensing Authority- LA),
Mr DB (Meard & Dean Street Residents Association (MDSRA)),
Ms JD (Soho Society)
Mr Richard Brown, Westminster Citizens Advice Bureau Service, representing the Soho Society and MDSRA.

Application for a New Premises Licence in respect of 75 Dean Street, London
W1D 3PU - 24/01292/LIPN

Premises

75 Dean Street
London
W1D 3PU

Applicant

Soho Estates Limited

Ward

West End

Cumulative Impact

West End

Special Consideration Zone

N/A

Proposed Licensable Activities

Plays, films, Live and Recorded Music, Performance of Dance and Anything similar (Indoors)

Monday to Saturday 09:00 to 00:00
Sundays 09:00 to 22.30

Sale by Retail of Alcohol (Both)

Monday to Saturday 09:00 to 00:00
Sundays 09:00 to 22:30

Late Night Refreshments (Indoors)

Monday - Saturdays 23:00 to 00:00

Hours Premises Are Open to the Public

Monday to Saturday 09:00 to 00:00
Sundays 09:00 to 23:00

Summary of the Application

This is an application for a new premises licence under the Licensing Act 2003 (“The Act”). This application seeks to licence a building which contains three screening rooms, a stage, a music studio and is hosting various educational and charitable programmes over the coming year to support young creatives and the local community.

The space also contains a café/bar area that will operate for members of the building and for visitors and guests hiring the facilities. The spaces, including the cafe/bar and studio will also be used for concerts, plays, films, events, PR launch and workshops.

There is an existing premises licence in place at the premises (Licence number: 23/05947/LIPN). This application is for the same hours and licensable activities as currently approved premises licence and is subject to the same conditions, with the exception of condition 11, which restricts the use to a period of three years, and condition 27, which restricts the use to All Is Joy (UK) Limited.

There is a resident count of 162.

Representations Received

- Licensing Authority (LA)
- 3 Objections from Interested Parties

Licensing Authority states:

The premises are located within the West End Cumulative Impact Zone and it is intended that the premises will trade as a cultural venue and as such various policy points must be considered, namely CIP1, HRS1 and CCSOS1.

The resident states, there is no information as to which tenant would be using the licence; any such license should be for a specific tenant, with a clear proposed use and a defined management plan.

There is no end date, so if granted, the license could continue into the indefinite future, no matter what happened in the premises.

This application would result in up to 500 extra alcohol drinkers.

Interested Parties

Dean Street lies with the CIA, already has an over-abundance of licensed premises with the concomitant crime levels, endless deliveries in the early hours etc. Enforcing the man hundreds of existing planning and licensing Conditions is licensed premises in Dean Street is well beyond the Council's resources.

The impact on residents from noise nuisance, increase in crime and disorder and cumulative impact of a new licensed premises with a capacity of 499 until midnight Monday to Saturday and 10.30pm on Sunday.

The vagueness and lack of detailed information on the operation of the premises, with a mixture of different uses. The applicant was asked to confirm how they meet the definition of a cultural venue and clarification on the use of the Premises.

Proposed condition 7 does not reflect the definition of a cultural venue as defined in CCSOS1 Section C.

Policy Considerations

HRS1 States:

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.

The Core Hours for Cinemas, Cultural Venues and Live Sporting Premises Monday to Sunday: 9am to Midnight

Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Spaces Policy CCSOS1) states:

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

1. The application meeting the requirements of policies CD1, PS1,

PN1 and CH1.

2. The hours for licensable activities are within the council's Core Hours Policy HRS1.

3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.

5. The applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinema, cultural venue, live sporting premises or outdoor space.

6. The sale by retail of alcohol and/or late-night refreshment after 11pm is limited to customer, patrons or members of the audience who will or have made use of the primary function of the venue as a cinema, cultural venue or live sporting premises.

7. The application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space.

SUBMISSIONS AND REASONS

1. Mr Kevin Jackaman, Licensing Officer, outlined the application to the Committee. He advised that representations had been received from the Licensing Authority (LA), and three interested parties. The Premises are located within the West End Ward and in the the West End Cumulative Impact Area but not in the Special Consideration Zone. He confirmed that the additional submissions from the Applicant and the Interested Parties had been circulated.
2. Mr Alun Thomas, solicitor for the Applicant, outlined the application to the Committee. He advised that the Applicant had a Planning Application submitted for the Premise to turn it into a Private Members Club and if this was granted, they would have to return before a Licensing Committee to vary the licence. He advised that the new licence mirrors the current licence while removing two personal conditions.
3. He advised that Soho Estates are looking to renew and run the premise themselves as a co-working and events space, similar to how the premise was currently operating. He advised that the Applicant had worked for charitable and cultural offerings for many years including a pop-up in Greek Street and an artist workshop currently running in New Street, which they have operated without complaint.
4. He advised the Committee that the objections received were due to the removal of the personal conditions on the current licence and advised that Mr Brown in the previous hearing stated that he was content with the application and referred the Committee to the previous Decision for the existing Premises Licence. The current licence fell within the cultural use policy and the application was not seeking to change that aspect.

5. He advised that the capacity of 499 was throughout the whole building spread throughout their small rooms, with alcohol only being served in discreet areas. He advised that his client would be happy to have a condition on the licence that the capacity of the bar areas should be re-evaluated separately from the whole building.
6. Mr Thomas advised that the premise and operation was already established has not added to the Cumulative Impact Zone (CIZ). He also advised that he was happy for the use of the roof to be limited to maintenance. Mr Thomas advised on the legalities of the two conditions the Applicant removed from the licence and stated that they were not lawful unless the Applicant offered them. He advised that the operations requested had already been granted previously, the only difference with this application was who was operating it.
7. In response to questions Mr Thomas advised that the capacity would be determined by Environmental Health. He also advised that Soho Estates would run the premise and while they do not have a management plan in place yet, they plan to operate it as a creative hub. Mr Adam Price, of the applicant company, advised that Soho Estates have had shadow licences granted to them for other sites before which they signed over to individual tenants.
8. Mr Thomas advised that All Is Joy (UK) Ltd would remain in and operate the premise until at least September, with this licence not taking effect until at the earliest the end of 2024. He advised that Soho Estates would bring in an expert, to the same quality as Mr Levack of All Is Joy (UK) Ltd, to help run the premise and the core of the application was a co-working space with the screenings and event space ancillary which was not a high-risk venue to add to the CIZ.
9. Mr Thomas confirmed that the Applicant was looking at options for the premise and would still consider having a Private Members Club if it gets granted by the Planning Applications Committee. Mr Thomas agreed that his client would be happy with additional wording on the works condition to ensure that it doesn't take affect while the other licence was in operation.
10. Ms Karyn Abbott, Licensing Authority, advised the Committee that the venue falls under the CCSOS1 Policy and the applicant requested the same licence as the current one at the premise without two conditions, that was be operated by All Is Joy (UK) Ltd and be time limited. She advised that they have operating conditions on the application and have kept condition 30 on the application. She advised that WCC had received no complaints about the premise but was aware that it had been operating for a limited time. She advised that Members needed to be satisfied that this licence would not impact the CIZ.
11. Mr Richard Brown, representing the Soho Society, MDSRA and one resident, advised the Committee that they were happy with the way the premises operates under the current licence held by Mr Levack and wished for it to continue, The Soho Societies previous support of the licence was based on the two conditions removed by this application. He advised that Mr Levack, for

the previous application, consulted greatly whereas this was not the case for this application. He advised that they had concerns about how the premise would be operated with no management plan and Soho Estates had no experience running licences themselves before. He advised that residents' concerns were based on the use of the roof and the Applicant had proposed a condition to mitigate this concern. Mr Brown advised on the lawfulness of the personal use condition. He advised that Condition 30c needed to reflect the proposed use more specifically.

12. Mr DB, representing MDSRA, advised the Committee that there were 280 housing units within 100 feet of the premise and 39 licenced premises with a capacity of up to 4,500. Mr DB advised that MDSRA were confused as to why the Planning Application had not been withdrawn if Soho Estates were serious about running a long-term cultural venue, if so, they should have to come back with an application once the Planning Application had been withdrawn. He advised that the MDSRA did not object to the existing licence due to the extensive negotiations, knowing the operator Mr Levack and the two conditions proposed to be removed by this licence. He advised that Soho Estates do not have a history of running cultural venues and have no management plan or creative team on board yet and this clarity was needed. Mr DB advised that for condition 30a he questioned who the co-working collective would be. He advised that Mr Levack would like to stay at the premise and had been asking Soho Estates for an extension to which Mr Thomas advised that Mr Levack's lease could be extended.
13. Ms JD advised that Mr Levack, the current operator, had experience in running events and was very popular with tenants living nearby. She highlighted Soho Estates history of cultural venues many of which had closed and that the Applicant had no management plan or plans for the premise. She advised that the premises previously had a small private members club with a maximum capacity of 50 and advised that despite the capacity of 499 they do not get that number in.
14. In response to questions Mr DB advised that if the coworking space became commercial under this application many creatives may not be able to afford it and Soho had lost many live music venues due to increased rents.
15. In summing up the Licensing Authority advised that the licence would primarily be a cultural venue and if the Applicant wanted to vary this they would have to come back before the Committee. Mr Brown advised that he would like a personal condition on the licence but if the Committee was not minded to grant a personal condition then he would like condition 30c to be more specific. He advised that being a CCSOS1 Policy was not an automatic green light for the application to be granted. He advised that the capacity on the ground and first floor should be no more than 150 as it had a series of small rooms not one large event space. Mr DB advised that Soho Estates did not have a co-working collective set out in condition 30a. Ms JD had nothing further to add.
16. Mr Thomas in summing up advised that Soho Estates had supported the arts for years with many of its tenants being cultural venues and they had the

experience of managing and curating 50 licensed premises across Soho with work done in the background to work with tenants. He advised that Soho Estates approved everyone who joins the co-working space currently and the licence had the same conditions on it which would not add to the CIZ.

17. Mr Thomas advised that the running of the premise was not a material consideration for the Committee and there should be no restrictions on holding events at the premise as it will restrict the financial viability of the premise. Mr Brown advised that events should be ancillary to the description of use and Mr Thomas agreed to amend condition 30c for this. Mr Thomas and Mr Brown agreed that the wording, "concerts, plays, films, events, PR launch and workshops" be added to existing condition 30 (c) Mr Thomas advised that there would also be a works condition on the licence, which is agreed.
18. Mr Steve Burnett, Legal Adviser, went through the condition with the Applicant and Interested Parties and agreed to wording of conditions.

DECISION:

19. The Committee realises that it has a duty to consider each application on its individual merits and did so for the purposes of this application.
20. In reaching their decision, the Committee took into account all the Committee papers and the submissions made by all the parties, supplementary submissions made by the Applicant, and the oral evidence given by all parties during the hearing in making its decision.
21. It was noted by the Committee that the Environmental Health and the Metropolitan Police, their experts in nuisance and crime and disorder, had not made representations against the application.
22. The Committee considered paragraph CCSOS1 of the SLP and all other relevant parts of the SLP.
23. The Committee was persuaded that the application met the policy requirements under the SLP.
24. Having taken into account all the evidence and the individual circumstances, in particular, but not limited to, the lack of complaints about the current operation under a very similar Premises Licence (save for 2 conditions), the Committee concluded that the conditions attached to the licence were appropriate and would promote the licencing objectives.
25. Having carefully considered the committee papers, the additional papers and the submissions made by all of the parties orally, the 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:

To Permit:

Plays, Films, Live and Recorded Music, Performance of Dance and Anything similar (Indoors)

Monday to Saturday 09:00 to 00:00
Sundays 09:00 to 22.30

Sale by Retail of Alcohol (Both)

Monday to Saturday 09:00 to 00:00
Sundays 09:00 to 22:30

Late Night Refreshments (Indoors)

Monday - Saturdays 23:00 to 00:00

Hours Premises Are Open to the Public

Monday to Saturday 09:00 to 00:00
Sundays 09:00 to 22.30

2. Relevant Mandatory Conditions to apply.
3. To add conditions proposed to form part of the operating schedule:

Conditions consistent with the operating schedule

11. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the building being used as a cultural venue.

12. CCTV Conditions

- 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 shall 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 shall 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.

13. A staff member from the premises or the external management company who are conversant and control the operation of the CCTV system shall be on the premises at all times when the premises is open. This person must be able to

provide a Police or authorised council access to the recordings of recent CCTV images or data with the absolute minimum of delay when requested.

14. There shall be no advertising displayed on the building of the licensed facilities save for the name and nature of the business.

15. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

16. 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 shall 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.

17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

18. 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.

19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

20. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

21. 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.

22. 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.

23. All emergency exit doors shall be available at all material times without the use of a key, code card or similar means.

24. Off sales shall be in sealed containers only unless purchased for consumption inside the building at 75 Dean Street, W1D 3PU.

25. 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.

26. No licensable activities under this Premises Licence shall take place 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 with a condition detailing the capacity permitted in the premises and the licenced areas (excluding staff) all of which shall not exceed:

Ground floor 150
First floor 150
Whole premises not to exceed 499

27. The first-floor windows shall be kept closed after 23:00 hours when regulated entertainment takes place.

28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call on the highway, shall be limited to 15 persons at any one time.

29. Licensable activities at the premises shall only be provided to:

- a) Members of the co-working collective and their guests.
- b) Directors and employees of the licence holder and their guests; and
- c) Persons attending a private pre-booked event or function, to include concerts, plays, films, events, PR launch and workshops. a list of such functions and the persons attending shall be kept at reception for inspection by the relevant authorities.

30. SIA licensed door supervisors shall be on duty at the premises whenever pre-booked private events are to take place, at a minimum ratio of 1:100 persons in attendance. They must correctly display their SIA licence(s) when on duty so as to be clearly visible.

31. At least 7 days' notice shall be given to the Council of any proposal to use scenery or properties and such scenery or properties shall only be used with the consent of the Council.

32. Scenery and properties shall only be stored in approved areas and where permitted, to be stored on the stage shall be limited to the approved amounts.

33. The doors to any scenery store shall not be kept open unless in use.

34. The scenery and properties used on an open stage shall be restricted to that of the actual production. No other storage shall be permitted in the stage area.

Condition agreed between the Parties.

35. There shall be no use of the roof terrace at the Premises, save for maintenance work.

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

**The Licensing Sub-Committee
13 June 2024**

The Meeting ended at 2.15 pm