

# Licensing Sub-Committee Report

Item No:	
Date:	14 <sup>th</sup> January 2016
Licensing Ref No:	15/10264/LIPN - New Premises Licence
Title of Report:	58 Brewer Street London W1F 9TL
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 November 2015		
<b>Applicant:</b>	Shaftesbury Soho Ltd		
<b>Premises:</b>			
<b>Premises address:</b>	58 Brewer Street London W1F 9TL	<b>Ward:</b>	West End
		<b>Cumulative Impact Areas</b>	West End
<b>Premises description:</b>	The premises is to operate as a restaurant over the Ground Floor and Basement Floor		
<b>Premises licence history:</b>	None		
<b>Applicant submissions:</b>	The applicant has submitted some proposed conditions as part of their application ( <b>Appendix 4</b> )		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	On the morning that Greenwich Mean Time changes to British Summer Time one hour to be added to the terminal hour. To be extended from the terminal hour on New Year's Eve through to the commencement time on New Year's Day						

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	22:30
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	On the morning that Greenwich Mean Time changes to British Summer Time one hour to be added to the terminal hour. To be extended from the terminal hour on New Year's Eve through to the commencement time on New Year's Day						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	22:30
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	On the morning that Greenwich Mean Time changes to British Summer Time one hour to be added to the terminal hour. To be extended from the terminal hour on New Year's Eve through to the commencement time on New Year's Day						
<b>Adult Entertainment:</b>	N/A						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Nicola Curtis
<b>Received:</b>	26 <sup>th</sup> November 2015

**Licensing Act 2003**

**58 Brewer Street, London, W1F 9TL**

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

**The premises are situated in the West End Stress Area.**

The applicant has submitted the following plans for the premises:

- ◆ Licensing Plans dated October 2015, drawing number 22054 – L01

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities:

1. The Provision of Late Night Refreshment 'indoors' Monday to Saturday 2300 to 0100 hours
2. The Supply of Alcohol 'on' the premises Monday to Saturday 1000 to 0100 hours and Sunday 1200 to 2230 hours

3. For both activities the following non-standard timing are applied for:

- a. On the morning that Greenwich Mean Time changes to British Summer Time one hour to be added to the terminal hour
- b. From the terminal hour on New Year's Eve through to the commencement time on New Year's Day

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

1. The provision of Late Night Refreshment 'indoors' and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the West End Stress Area.
2. The Supply of Alcohol both 'on' the premises and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the West End Stress Area and may impact upon Public Safety.

The applicant has provided additional information within the operating schedule which is being considered but does not fully address the concerns of Environmental Health.

The applicant is advised to contact the undersigned to arrange a suitable time for inspection of the premises.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the West End Stress Area and may impact upon Public Safety.**

The Environmental Health Service has proposed conditions which has not been agreed by the applicant (**Appendix 4**)

<b>Responsible Authority:</b>	The Metropolitan Police
<b>Representative:</b>	Reaz Guerra
<b>Received:</b>	3 <sup>rd</sup> December 2015

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives. The venue is situated in the West End Stress Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area. An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

<b>2-B Other Persons</b>			
<b>Name:</b>		Aneela Majid	
<b>Address and/or Residents Association:</b>		Great Pulteney Street and Bridle Lane Residents Association 39B, Great Pulteney Street, Soho, W1F 9NY	
<b>Status:</b>	Resident Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 <sup>th</sup> December 2015		

The Great Pulteney Street and Bridle Lane Residents Association object to the application for a new premises licence. We object to all parts of the application, the supply of alcohol - Monday to Saturday 1000 - 0100, Sunday 1200 - 2233 and late night refreshment Monday to Saturday 2300 - 0100.

Our representation is made on the likely basis that the application will fail to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. We also object on the basis of cumulative impact.

#### **The residents**

John Broadwood House on Bridle Lane and 35-40 Great Pulteney Street comprise of 28 social housing flats owned by Soho Housing Association. They house c. 60 residents aged between two and eighty-five years of age. These are long term residents, many having been born in the area and some are second and third generation Soho families. All residents live in close proximity to these premises.

Soho being within the stress area has the highest number of late night establishments in Westminster. The council acknowledges in its Statement of Licensing Policy the impact of the night time economy in stress areas, and the cumulative effect of the concentration of such establishments which has led to serious problems of crime and disorder and public nuisance affecting residents. Residents in Great Pulteney Street and Bridle Lane currently experience noise nuisance by people talking in loud and raised voices, waste disposable collections during the night, and crime and disorder in the form of drug dealing and drug taking and coupled with significant anti-social behaviour of people fouling in our doorways.

#### **The application**

We object to this licence being granted, this will be a new late night premises licence in the stress area. Not only will this have an adverse impact on residents living in Gt. Pulteney St and Bridle Lane, but also those living nearby on Brewer Street and in particular the residents in the three units above these premises.

The premises has for many years been a café, which did not sell alcohol and was not licensed to do so. This application therefore seeks an entirely different type of operation, involving drinking and a late terminal hour.

The application fails to promote the licensing objectives and we object on the following grounds.

### **Prevention of public nuisance**

Late night disturbance is a real problem for residents in Gt. Pulteney Street and Bridle Lane. A new late night premises licence will exacerbate the existing disturbance already experienced by the residents. Disturbance is created by people smoking outside our windows, talking in loud and raised voices, noise disturbance from taxis waiting to pick up customers, the closing of car doors and street fouling as stated above.

No 58 Brewer Street is located approximately [ ] yards from Bridal Lane, and approximately [ ] yards from Great Pulteney Street. There is clearly therefore the potential for customers using these premises, particularly late at night, to add to the cumulative impact which we already experience. We enclose a photo of the premises and its proximity to our homes.

### **Prevention of crime and disorder**

It is well known that the consumption of alcohol increases the level of violent crime, public order offences, theft, robbery, property damage and antisocial behaviour in Soho. Residents in Gt Pulteney Street and Bridle Lane frequently experience crime and disorder in the form of drug taking and dealing and significant anti-social behaviour which includes vomiting, urinating and defecating in our doorways.

### **Cumulative impact and The City Council's Statement of Licensing Policy ("SLP")**

The application as presented is contrary to the Stress Area Policies STR1 and PB2 in the City Council's Statement of Licensing Policy. We already experience anti-social behaviour and crime and disorder. The proposed new licence in close proximity to residents will only increase disturbance, anti-social behaviour and crime and disorder in the area.

It is difficult to pin the blame for noise nuisance on any particular premises; indeed, this problem is implicit in the existence of the Stress Area Policy. It is the large number of late night licensed premises in a small area which gives rise to the problems which residents experience. It is not necessarily people being excessively drunk or badly behaved (although there certainly are too many people could be described as such). Paragraph 2.2.12 of the SLP states that:

'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

The application is outside the Council's core hours Policy HRS for when customers can be on the premises.

The Guidance issued under s182 Licensing Act 2003 makes it clear that there are certain expectations of applicants; namely, that an applicant is expected to have assessed any risk posed to the local area by the proposals, and to include positive proposals in their application on how they will manage any potential risks (Guidance 8.34 and 8.35). Although we note that some conditions have been proposed, there is no detail of how a late terminal hour will, for example, affect dispersal of customers away from the premises. After the tubes finish and night buses begin, there is a marked decrease in public transport options available to customers to leave. Dispersal is one of the major reasons for having the 'core hours' Policy HRS1; the

timings are broadly in line with enabling people to catch the tube home and this no linger in the Stress Area longer than is necessary.

**Conclusion**

We oppose this application on the basis that if it is granted it would fail to promote the licensing objectives. We therefore ask the Licensing Sub-Committee to reject this application.

We were successful recently in persuading the Licensing Authority that an extension of hours to 1am for a restaurant in the near vicinity of our flats was not appropriate for the promotion of the licensing objectives. The current application is also for a restaurant licence, and also to 1am. We would ask the Licensing Authority to make a similar decision in this case, and refuse a licence with such a late terminal hour.



The above representation is supported by seven other residents from 35-40 Great Pulteney Street namely, Veronique Jack, Maggie Bartlett, Ashley Taboda, Andy Greenfield, Graham Curren, Spyros Koskinas, Lesley Isles.

**Name:**

Isabel Anderton

<b>Address and/or Residents Association:</b>	39c Great Pulteney Street London W1F 9NX		
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<b>Status:</b>	Resident	<b>In support or opposed:</b>	Supposed
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<b>Received:</b>	9 <sup>th</sup> December 2015		
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I am writing to object to the licence application 15/10264/LIPN - 58 Brewer Street, London W1F 9TL.

I am a local resident and I endorse the letter that was sent to you on behalf of the tenants of our resident's association (attached here).

I object on the grounds of 1) Prevention of Public Nuisance and 2) Prevention of Crime and Disorder. I also object on the basis of the cumulative impact of potentially granting another new alcohol licence in an area saturated with premises alcohol licences. There is less and less diversity in Soho businesses as each retail premises or non-licensed cafe is turned into another new bar or restaurant.

I also question the application. It is made by Shaftesbury Soho, presumably the new owners of the building, and requests an alcohol licence for a restaurant. Yet, no restaurant is actually named and no details given as to what type of restaurant it is. Is it that there is no actual restaurant and this is a speculative application? Perhaps to make letting out the ground and basement 'easier' and generate a higher income for the owners of the building? It would be good to have some clarification on this.

<b>Name:</b>	Leslie & Wendy Hardcastle		
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<b>Address and/or Residents Association</b>	37C Great Pulteney Street London W1F 9NT		
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<b>Status:</b>	Resident	<b>In support of opposed:</b>	Opposed
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<b>Received:</b>	5 <sup>th</sup> December 2015		
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**Reference : 15/10264/LIPN - New Premises Licence  
Shaftesbury Soho Limited, 58, Brewer Street, London W1F 9TL**

We are residents at the above address. We wish to object to the application for a new premises licence at 58 Brewer Street. We object to all parts of the application, the supply of alcohol - Monday to Saturday 1000 - 0100, Sunday 1200 - 2233 and late night refreshment Monday to Saturday 2300 - 0100.

Our representation is made on the likely basis that the application will fail to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. We also object on the basis of cumulative impact.

We and our neighbours live in Soho Housing Association property, some are elderly and frail, but there are also a number of young children and teenagers who particularly need to be able to get a good nights sleep. Many of us have lived here for many years and recognize that inner city living is not exactly peaceful. But Soho is a stress area and we are beginning to feel swamped by the increasing number of late night establishments in Soho. We have noticed an increase in noise and public nuisance in the early hours of the morning – loud and raised



voices, revelry and fouling in our doorways and drug dealing.

So we object to this licence being granted. It would have an impact on all of us, but we cannot conceive that such a licence would be permitted with flats above. Previously it was an unlicensed family run Italian establishment which was very popular with workmen and others who want – and need - a simple, honest, straight forward and reasonably priced place to eat (and where we often had breakfast), of the sort that is becoming non-existent in Soho. But the lower paid workers and residents on which Soho depends need places of this kind. There is no need for yet another premises with a late license.

The application fails to promote the licensing objectives and we object on the following grounds.

### **Prevention of public nuisance**

Late night disturbance is a real problem for us and our neighbours. We increasingly experience fouling in our doorways (vomiting, urinating and defecating) and the noise of revelers as they leave premises or make their way to another. A new late night premises licence will make worse the existing disturbance that we experience.

No 58 Brewer Street is located approximately 20 meters from our street and it is inevitable that customers using these premises late at night, would add to the cumulative impact which we already experience.

**Prevention of crime and disorder** It is well known that the consumption of alcohol increases the level of crime, We have already mentioned drug taking and anti-social behavior.

### **Cumulative impact and The City Council's Statement of Licensing Policy ("SLP")**

The application is contrary to the Stress Area Policies STR1 and PB2 in the City Council's Statement of Licensing Policy. We already experience anti-social behaviour and crime and disorder. The proposed new licence in close proximity to ourselves will inevitably have a cumulative effect in increasing disturbance, anti-social behaviour and crime and disorder in our area.

The application is outside the Council's core hours.

### **Conclusion**

We oppose this application on the basis that if it is granted it would fail to promote the licensing objectives. We therefore ask the Licensing Sub-Committee to reject this application.

We were successful recently in persuading the Licensing Authority that an extension of hours to 1am for a restaurant in the near vicinity of our flats was not appropriate for the promotion of the licensing objectives. The current application is also for a restaurant licence, and also to 1am. We would ask the Licensing Authority to make a similar decision in this case, and refuse a licence with such a late terminal hour.

<b>Name:</b>	Steve Chambers		
<b>Address and/or Residents Association</b>	The Soho Society 58 Dean Street London W1D 6AF		
<b>Status:</b>	Resident Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	9 <sup>th</sup> December 2015		

Reference: 15/10264/LIPN, Premises Licence - New, Unnamed Venue (Shaftesbury Soho Ltd), 58 Brewer Street, W1F 9TL

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

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.

### About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

### Application summary

Activity	Indoors/Outdoors	Alcohol Consumed	Time Period	From	To
Sale by Retail of Alcohol		On Premises	Monday to Saturday	10:00 AM	01:00 AM
Sale by Retail of Alcohol		On Premises	Sunday	12:00 PM	10:30 PM
Late Night Refreshment	Indoors		Monday to Saturday	11:00 PM	01:00 AM

### New licensed premises in the West End Stress Area

The proposal is for a new licensed premises in the West End Stress Area. The new Sale by Retail of Alcohol On Premises licensable activity is of particular concern, with reference to Westminster City Council stress area and cumulative impact policy. Such new licenses (in particular where not ancillary to food) should be prohibited. These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. It is noted the conditions for this application do not make reference to service with food. It is therefore felt necessary that should this license be permitted, conditions must be applied to prevent problematic vertical drinking:

- MC38** The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
- MC39** The supply of alcohol shall be by waiter or waitress service only.
- MC41** 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.

### Hours of operation

The proposal includes licensable activities, including offsite sale of alcohol, outside of Westminster core hours. The premises are in the West End Stress Area. There are private homes nearby and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to keep the operating hours within defined core hours, namely Monday to Thursday 10am – 11.30pm, Friday and Saturday 10 am – 12 midnight and Sunday 12 noon – 10.30 pm.

### Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

<b>Name:</b>		Mr Tino Giglio-Vigna	
<b>Address and/or Residents Association:</b>		2 John Broadwood House Bridle Lane London	
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed

<b>Received:</b>	29 <sup>th</sup> November 2015
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Comment: 11:44 AM on 29 Nov 2015 I object for the following reasons:

1. The previous business at n.58 traded without selling alcohol. There is no shortage of catering outfits nearby which sell alcohol and another one is not required;
2. The proposed hours of sale would mean alcohol is being sold from mid-morning until clearly past midnight. This is likely to change the character of the whole block from Lower James Street to Bridle Lane. There will be more problems with drunken behaviour, litter, urination and people being sick on the narrow pavement;
3. The business will become a point of attraction for the drug dealers who are already present regularly in Bridle Lane and the trading presence of it will be a useful cover for their own trade.

<b>Name:</b>	Marina Tempia		
<b>Address and/or Residents Association:</b>	Flat 4, John Broadwood House 1, Bridle Lane London W1F 9BT		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed

<b>Received:</b>	8 <sup>th</sup> December 2015
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I write to make representation in respect of the above application for a new premises licence. I object to all parts of the application this being the supply of alcohol; Monday to Saturday 1000 - 0100, Sunday 1200 - 2233 and late night refreshment; Monday to Saturday 2300 - 0100.

The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. I also object on the basis of cumulative impact.

**Proximity of residents**  
John Broadwood House on Bridle Lane and 35-40 Gt Pulteney Street comprise of 28 social housing flats owned by Soho Housing Association. They house c.60 residents aged between 2 and 85 years of age. These are long term Soho residents, many having been born in the area and some second and third generation Soho families.

All residents live in very close proximity to these premises and in particular Bridle Lane is only 10 metres away (see photograph). Residents in Bridle Lane already experience a range of anti-social behaviour, crime and disorder during the day and night in the form of drug dealing and drug taking, waste collections during the night, street fouling and noise nuisance from people leaving other licensed premises in the area.

**The application**  
I object to this licence being granted, this will be a new late night licence in the stress area and one which will be very close to my flat. Soho has the highest number of licensed and late night establishments in Westminster and the council acknowledges in its Licensing Policy the impact of the night time economy in stress areas and the cumulative effect of the concentration of late night establishments which has led to serious problems of crime and disorder and public nuisance affecting residents.

For over 40 years these premises operated as small family run cafe on the ground floor, it did not sell alcohol and closed at 5pm. I am therefore very concerned that this new application creates a very different type of operation which is highly likely to have an adverse impact on

residential amenity and fail to promote the licensing objectives.

The application fails to promote the licensing objectives and I object on the following grounds.

**Prevention of crime and disorder**

It is well documented that the consumption of alcohol late at night increases the level of violent crime, public order offences, theft, robbery, property damage and anti-social behaviour. Residents in Bridle Lane frequently experience crime and disorder, the lane is very narrow, it is very dark at night and has a number of secluded areas, for many years it has been a magnet for drug dealers and it is not unusual to witness people shooting up at night and during the daytime. At night time it feels very unsafe. This type of criminal behaviour will only increase with the creation of a new restaurant with a late night licence.

**Prevention of public nuisance**

Residents in Bridle Lane currently experience noise nuisance, disturbance and street fouling during the daytime but especially in the evening and at night time. Bridle Lane is extremely narrow and noise including loud and raised voices from people in high spirits is amplified by its narrowness and this in turn frequently disturbs sleep. We also suffer from significant anti-social behaviour in the form of street fouling with people vomiting, urinating and defecating in our doorways, see the attached photograph showing streams of urine, vomit and rubbish next to my front door at 10.15pm on 19th November.

**Cumulative impact**

The application as presented is contrary to the Stress Area Policies STR1 and PB2 in the City Council's Statement of Licensing Policy. I already experience noise nuisance and anti-social behaviour, a new late night licence with the associated increase in numbers of people discharged onto the streets in such close proximity to residents in Bridle Lane will only increase rather than diminish public nuisance and crime and disorder.

**Conclusion**

For the reasons stated above, I oppose this application on the basis that if it is granted it would fail to promote the licensing objectives. I therefore ask the Licensing Sub-Committee to reject this application.

The Gt. Pulteney Street and Bridle Lane Tenants' Association were recently successful in persuading the Licensing Authority that an extension of hours to 1am for a restaurant in near proximity of our flats was not appropriate for the promotion of the licensing objectives. The current application is also for a restaurant licence, and also to 1am. We would ask the Licensing Authority to make a similar decision in this case, and refuse a licence with such a late terminal hour.



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>Applications for other licensable activities in the Cumulative Impact Area will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy RTN2 applies:</b>	<p>Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

### 4. Appendices

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

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
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<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk
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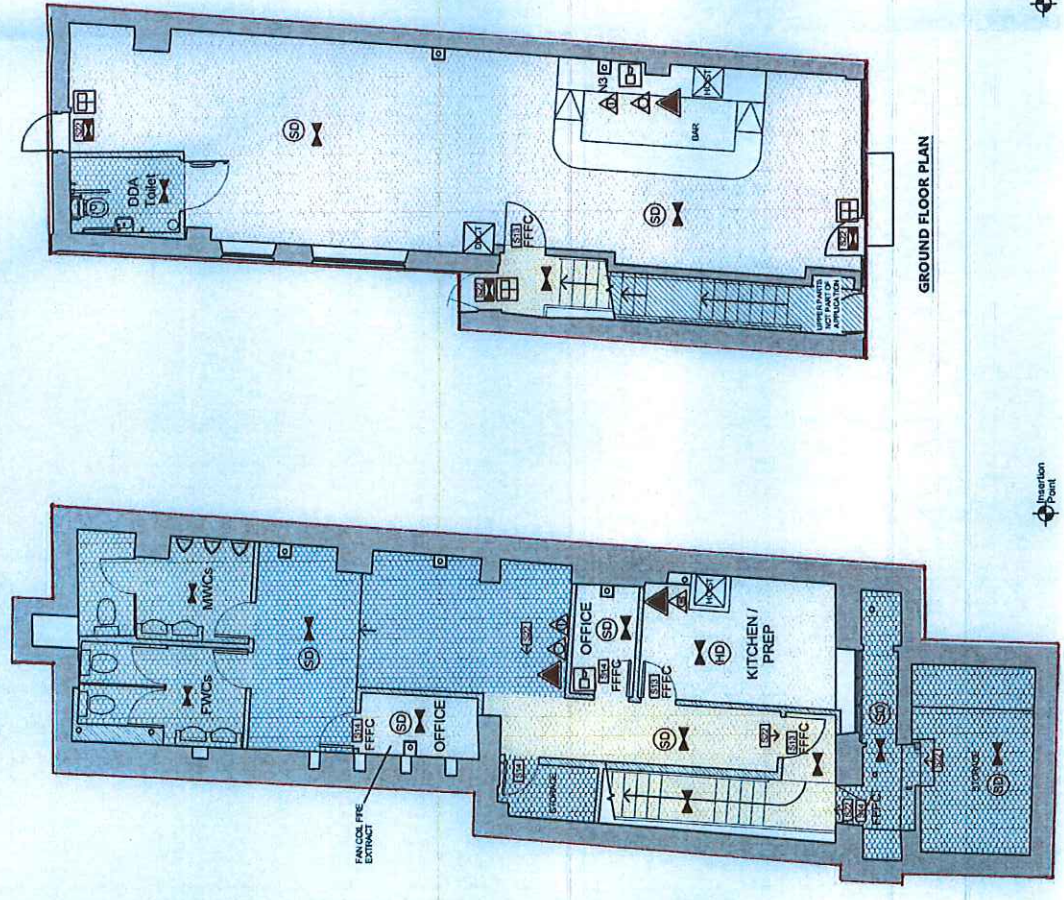
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

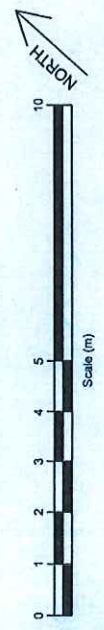


# APPENDIX 1



Insertion Point

Insertion Point



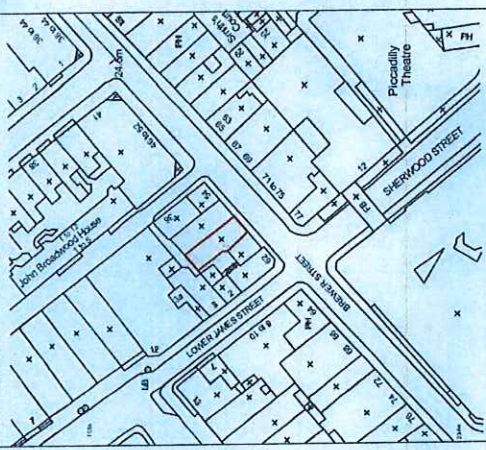
## LEGEND

- Control panel symbol
- Fire Alarm Call Point with Fire Action Sign (where the contents of which should be based on the Fire Safety and Evacuation Plan for the premises)
- N3
- FFF
- FFFC
- Water Fire Extinguisher
- Aqueous Film Forming Foam Extinguisher
- Carbon Dioxide Fire Extinguisher
- Fire blanketed in container
- Smoke Detector
- Heat Detector
- Fire exit sign with directional arrow
- As above but illuminated
- Area protected with a system of Escape Lighting (this symbol is to be used in the area upon failure of the normal lighting power supply, to a sufficient level to enable the area to be safely evacuated. The escape lighting system should conform to the British Standard currently in force. The system should be maintained and controlled in the effect light).
- No smoking
- Fire door keep shut
- Fire door keep locked
- LICENSED PREMISES**
- Storage Areas
- Kitchen and Staff Areas
- Passageways and cabs
- Washrooms

## NOTES:

DO NOT SCALE FROM DRAWING.

ALL DIMENSIONS TO BE CONFIRMED ON SITE



## Basement & Ground Floors

58 Brewer Street  
London W1F

Licensing Plans

DATE: Oct. 2015

SCALE: 1:100 @ A3

Shaftesbury Soho Ltd

DRAWING NO: 22054 - L01



1 SANDWICH STREET  
LONDON WC1H 9PF

Tel: (020) 7391 7100 Fax: (020) 7391 7121

No supporting documentation

There is no licence or appeal history for the premises

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

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

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

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

### **Mandatory Conditions**

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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.
12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
18. 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.
19. 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.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder

- d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system, searching equipment or scanning equipment
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.
21. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
22. The premises shall only operate as a restaurant
- a) in which customers are shown to their table,
  - b) where the supply of alcohol is by waiter or waitress service only,
  - c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - d) which do not provide any take away service of food or drink for immediate consumption,
  - e) which do not provide any take away service of food or drink after 23.00, and
  - f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
23. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
24. 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.
25. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
26. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

### **Conditions proposed by the Environmental Health**

27. Licensable activities shall be restricted to the ground floor of the premises.
28. 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.
29. 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

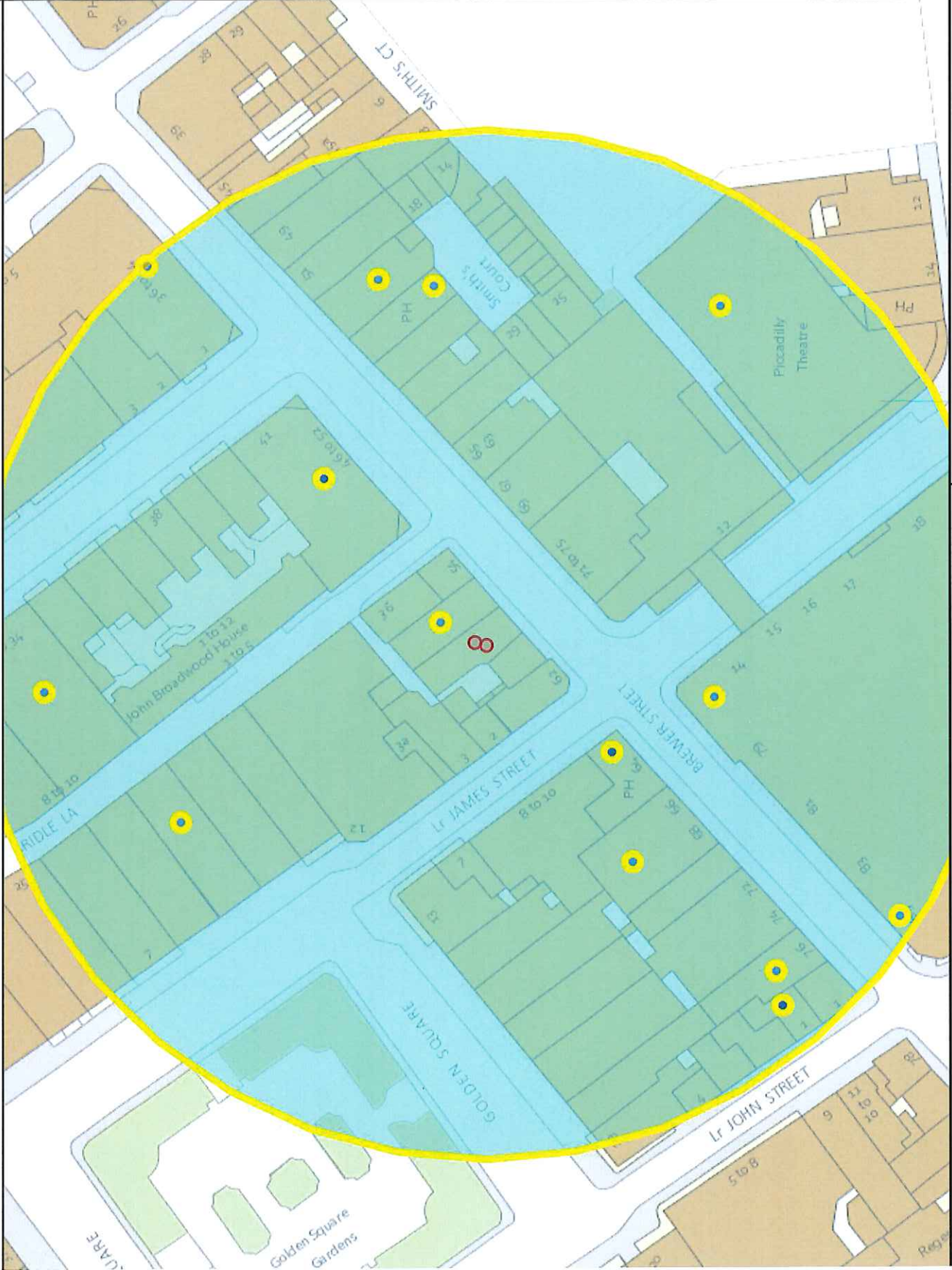


swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. 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.
33. 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.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction a variation application may be required

# APPENDIX 5

58 Brewer Street



Residential / Proposed Residential	49
Under Construction	
Other Uses	
Proportion Residential of all Uses	

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Data Source: Uniform Database  
Date: 22/12/2015

9 Meters

**Premises within 75 metres of: 58 Brewer Street**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
17878	Lingo Japanese Restaurant	Basement North And Ground Floor North 1 Lower John Street London W1F 9DT	Monday to Sunday 08:00 - 23:00
14024	Ten Ten Tei Restaurant	Ground Floor 56 Brewer Street London W1F 9TJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-2743	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-19042	Bills	36 Brewer Street London W1F 9TA	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
30705	Nine Golden Square Restaurant	Basement And Ground Floor 9 Golden Square London W1F 9HZ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
27978	Crown Public House	64 Brewer Street London W1F 9TP	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30
15751	Arigato	48-50 Brewer Street London W1F 9TG	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-15772	One Stop Food & Wine	Ground Floor 1 Lower John Street London W1F 9DT	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-22416	Vabene	46-52 Brewer Street London W1F 9TF	Monday to Saturday 08:00 - 00:00 Sunday 12:00 - 22:30
6110	Crown	64 Brewer Street London W1F 9TP	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30
-10710	Rapha Racing	85 Brewer Street London W1F 9ZN	Monday to Sunday 08:00 - 21:00
-26729	Kulu Kulu Sushi	76 Brewer Street London W1F 9TX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
27521	HIX	66-68 Brewer Street London W1F 9TP	Monday to Sunday 07:00 - 01:00
5108	Mash	77 Brewer Street London W1F 9ZN	Monday to Sunday 11:30 - 01:30
-27401	Scoop Fine Italian Gelato	53 Brewer Street London W1F 9UD	Monday to Sunday 10:00 - 02:00 Monday to Sunday 11:00 - 22:00
-7833	Piccadilly Theatre	Piccadilly Theatre Denman Street London W1D 7DY	Saturday to Sunday 09:00 - 03:00 Monday to Friday 09:00 - 04:00
-26795	Urban Golf	33-34 Great Pulleney Street London W1F 9NT	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00

