

Licensing Sub-Committee Report

Item No:	
Date:	14 th January 2015
Licensing Ref No:	15/09829/LIPN - New Premises Licence
Title of Report:	Itsu 31 Broadwick Street London W1F 0DG
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:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	3 November 2015		
Applicant:	Itsu Limited		
Premises:	Itsu		
Premises address:	31 Broadwick Street London W1F 0DG	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	<p>ITSU is a nationwide chain of family friendly Japanese Cafes and restaurants. This is for the Cafe situated in Broadwick Street. The application does not contemplate Late Night Refreshment. They offer only bottled beer and will be serving it as ancillary to their meal offerings to customers who are seated at tables eating their meals. The sale of alcohol, whilst part of the menu offer, is only a very small part of the overall sales. Only customers purchasing a full meal will be able to purchase alcohol and seated customers will always be monitored by a floor manager. Off Sales will be in sealed containers with a full meal and not for immediate consumption.</p>		
Premises licence history:	13/01658/LIPN was withdrawn by the applicant.		
Applicant submissions:	The applicant has agreed conditions with the Council's Environmental Health Service and added them as part of their Operating Schedule.		

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	1000	1000	1000	1000	1000	1000	1200
End:	2100	2100	2100	2100	2100	2100	2100
Seasonal variations:	None						
Non-standard timings:	None						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	0900	0900	0900	0900	0900	0900	0900
End:	2130	2130	2130	2130	2130	2130	2130
Seasonal variations:	None						
Non-standard timings:	None						
Adult Entertainment:	None						

2. Representations

2-B Other Persons	
Name:	Mandana Ruane
Address and/or Residents Association:	Not Supplied
Received:	8 th November 2015
<p>As a neighbouring resident, I write with my objections to the above application. It was an unpleasant surprise to see that Itsu has reapplied for a license; I attach an email dated March 2013 from their representative who withdrew the application when they faced a great deal of local opposition.</p> <p>Itsu is part of a large chain of takeaways, an off shoot of Pret A Manger. A large part of its business is retail/takeaway. This is all fast food for immediate consumption. The licensing of such an operation sets a horrifying precedent.</p> <p>This is a stress area, overburdened with licensed premises and the infrastructure cannot support more. We cannot tolerate a precedent where fast food joints are issued licenses.</p>	
Name:	Mrs Liz Callingham
Address and/or Residents Association:	Flat 2 6 Upper John Street London W1F 9HB
Received:	1 st December 2015
<p>I object to this licence on the grounds of Prevention of crime and disorder, Prevention of public nuisance and Cumulative impact. This is a restaurant with a bank of tills and stools as chairs. Is it to become yet another bar?</p> <p>I would suggest that this application will provoke many other nearby coffee and snack bars to request the same. This will cause more crowds and inevitably more crime.</p> <p>Please Westminster consider the whole surrounding area before coming to a decision on this licence.</p>	
Name:	Mr David Gleeson
Address and/or Residents Association:	The Soho Society St Annes Tower 55 Dean Street London W1D 6AF
Received:	20 th November 2015
<p>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.</p>	

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	Time Period	From	To
Sale by Retail of Alcohol	Monday to Saturday	10:00 AM	09:00 PM
Sale by Retail of Alcohol	Sunday	12:00 PM	09:00 PM

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:

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.

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.

Yours faithfully, David Gleeson
Licensing Chair

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>Policy HRS1 applies:</p> <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>
Policy CIP1 applies:	<p>Policy CIP1 applies:</p> <p>(i) 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>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents – none
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

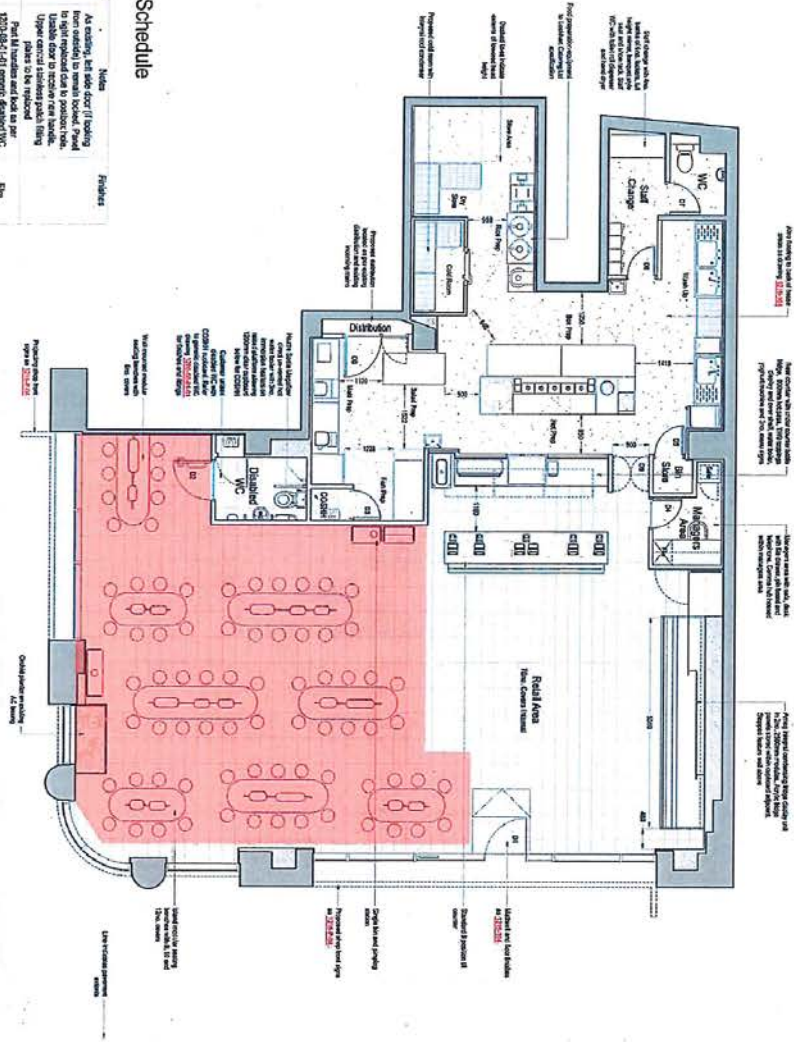
Report author:	David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

Door Schedule

Door	Location	Size	Notes	Finish
D1	General Entrance		As existing, but side door // leading from existing to rear kitchen. Provide unobstructed path through vestibule door to interior room barrier. Upper corner sashless glass fitting plates to be replaced.	EM
D2	Disabled WC	500	Partial cubicles and door as per 1231-604-1 of existing disabled WC.	EM
D3	Bar/ POSH/ Cockpit	606	Existing 1/2" tick, sashless and external tick plate. (your door height by plates to be replaced)	White painted
D4	Managers Area	606	Clear, external door tick, sashless and external door tick	EM
D5	Bar Store	606	FCOJ. Keep clear door panels, tick plates, attached part of boards.	White painted
D6	Staff Change	606	New door door with, tick & glass fitting plates to be replaced. Existing door door with, tick & glass fitting plates.	White painted
D7	Staff WC	720	tick, standard part of hardware, tick plates	White painted
D8	Disabled Cabined Bath, Food Preparation	628 + external 700 x 200 door system at 1231-601	FCOJ (Keep) 1/2" tick door panel, external 700 x 200 door system at 1231-601	White painted
D9	Eviction	409 x 2	Double sashless with swing doors style at 1231-601	TSC

Proposed General Arrangement Plan

11
MARKET PLACE
10



DISCLAIMER

DO NOT SCALE FROM THIS DRAWING.
THESE ARE NOT DIMENSIONS. DIMENSIONS ON THIS DRAWING ARE TO BE USED TO ORDER AND VERIFY THE ACCURACY OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE DIMENSIONS OF THE WORK. THE CONTRACTOR SHALL REMAIN RESPONSIBLE FOR THE WORK. THE CONTRACTOR SHALL REMAIN RESPONSIBLE FOR THE WORK.

REVISIONS

REV	REVISIONS	DATE
1	Issue for procurement	10/25/11
2	Issue for procurement	10/25/11
3	Issue for procurement	10/25/11
4	Issue for procurement	10/25/11
5	Issue for procurement	10/25/11
6	Issue for procurement	10/25/11
7	Issue for procurement	10/25/11
8	Issue for procurement	10/25/11
9	Issue for procurement	10/25/11
10	Issue for procurement	10/25/11
11	Issue for procurement	10/25/11
12	Issue for procurement	10/25/11
13	Issue for procurement	10/25/11
14	Issue for procurement	10/25/11
15	Issue for procurement	10/25/11
16	Issue for procurement	10/25/11
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26	Issue for procurement	10/25/11
27	Issue for procurement	10/25/11
28	Issue for procurement	10/25/11
29	Issue for procurement	10/25/11
30	Issue for procurement	10/25/11

AS BUILT

DRAWING STATUS

DRAWING NUMBER

DATE
2011.10.25

SIGNATURE
[Signature]

1216 JAS. BURNETT RNL DRAWING BY

11 BROADWICK STREET PROJECT TITLE

LONDON WORKS

PROPOSED GENERAL ARRANGEMENT PLAN EXHIBIT TITLE

DATE 13/08/2011 SCALE

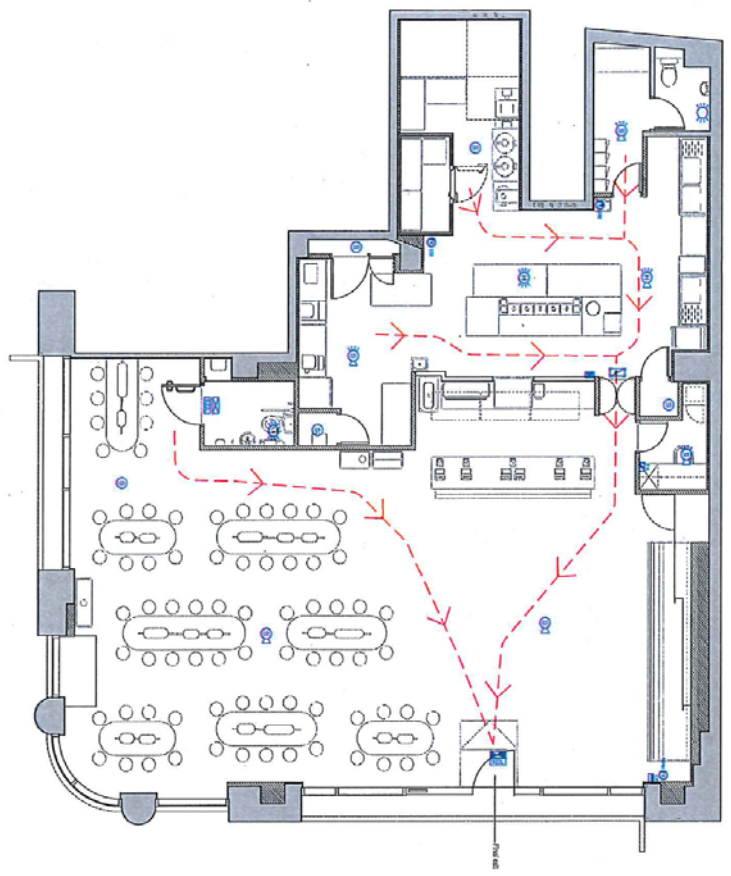
DRAWING NUMBER 1216-101 REGION G


 DWAINCK:ROCKLE, TEL: 01753 51144
 EMAIL: INFO@ROCKLE.COM

Legend

- Fire Legend**
- Coloured walls/doors etc
 - Fire alarm panel
 - Fire alarm
 - Smoke detector (schematic) - NOT DATA
 - Panel for smoke/detect - Control Room

- Fire Detection**
- Optical smoke alarm
 - Optical linear
 - Conductance smoke beam/bell
 - Smoke bell
 - Smoke bar
 - Temperature/Rate of Rise/Linear
 - Thermal LED Emergency Kit
 - Smoke manual LED Emergency Kit
 - Smoke alarm



Proposed Public Health Services Layout

IMPORTANT
DO NOT SCALE FROM THIS DRAWING. ANY CHANGES TO THE DRAWING SHOULD BE REPORTED IMMEDIATELY TO THE ARCHITECT. THE ARCHITECT'S OFFICE SHALL REMAIN THE AUTHORITY OF RESULT.

REV	REVISION NOTES	DATE

AS BUILT	
DRAWING NO. 1216	

DATE:	12/16
SIGNATURE:	
NAME:	

JOB NUMBER:	1216
ROLE:	
DRAWN BY:	
PROJECT TITLE:	TTSU BROCKWICK STREET
ADDRESS:	21 BROCKWICK STREET
CITY:	OTTAWA
PROV.:	ON

DATE:	NOV/12
SCALE:	1:50 @ A11 1:100 @ A2
DRAWING NUMBER:	1216-07
REVISION:	

itsu

DRAWINGS ROCK LESLIE TELEVISION
EMAIL: ROCKLESIE@TELUS.COM

None

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

1. The premises shall only operate as a restaurant; where the supply of alcohol is only
 - (i) provided with food in the form of substantial table meals and are served and consumed at the table,
 - (ii) which do not provide any take away service of food or drink for immediate consumption,
 - (iii) which do not provide any take away service of food or drink after 22.00, and
 - (iv) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to 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
2. 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.
3. There shall be no self-service of alcohol
4. All Off Sales to be in sealed containers with the purchase of a full meal.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
7. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol

- (h) any visit by a relevant authority or emergency service
9. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 11. Children are welcome if accompanied by a responsible adult for the purposes of having a meal. Staff are trained on their responsibilities to not sell alcohol to persons who are or appear to be underage and a Challenge 21 scheme is in place.
 12. 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.

Conditions proposed by the Environmental Health – Agreed with the applicant.

13. The number of persons permitted on the premises consuming alcohol at any one time (excluding staff) shall not exceed 40 persons.
14. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, and at the point of sale
15. Queuing outside the premises shall not be permitted
16. 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.
17. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. The public toilet shall at all times be accessible to the public during hours the premises is open for licensable activities



Itsu 31 Broadwick Street



7
Meters

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Residential / Proposed Residential	107
Under Construction	
Other Uses	
Proportion Residential of all Uses	
Data Source: Uniform Database Date: 17/12/2015	

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

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

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