

# Licensing Sub-Committee Report

4 February 2016
15/11692/LIPV - Premises Licence Variation
Shackfuyu Basement And Ground Floor 14 Old Compton Street London W1D 4TH
Director of Public Protection and Licensing
West End
City of Westminster Statement of Licensing Policy
None
Mr Nick Nelson Senior Licensing Officer
Telephone: 020 7641 3431

Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premi	ses				
Application Type:	Variation of a Premises Licence, Licensing Act 2003				
Application received date:	14 December 2015				
Applicant:	Bone Daddies Limited				
Premises:	Shackfuyu				
Premises address:	Basement and Ground Floor	Ward:	West End		
	14 Old Compton Street London W1D 4TH	Cumulative Impact Area:	West End		
Premises description:	The premises operates a	as a Japanese	restaurant.		
Variation description:	The application propose layout, including:	s changes to tl	he premises		
	Basement:				
	Replacement of bar area with dining room;     General improvements to back-of-house areas and kitchen.				
	Ground Floor:				
	<ol> <li>Introduction of dining counter and bar (previously located in basement).</li> <li>Changes to seating layout.</li> <li>Removal of pizza oven.</li> </ol>				
	The primary proposal relates to the relocation of the basement bar to the ground floor as a new dining counter and bar.				
	The premises will continue to operate as Shackfuyu restaurant. The application does not propose any changes to licensable activities, permitted hours or conditions.				
Premises licence history:	The premises has operated as a restaurant under four different operators since conversion to the Licensing Act 2003 in 2005.				
Applicant submissions:	None.				

#### 1-B Current and proposed licensable activities, areas and hours **Regulated Entertainment Playing of Recorded Music - Unrestricted** Current **Proposed** Licensable Area Hours Hours Start: End: Start: End: **Current:** Proposed: Unrestricted Ground floor Increase in licensable Monday No change and basement. area in basement. **Tuesday** Unrestricted No change Wednesday Unrestricted No change Change of layout and introduction of bar on Thursday Unrestricted No change ground floor. Friday Unrestricted No change Saturday Unrestricted No change Sunday Unrestricted No change **Current:** Seasonal Proposed: variations: None No change Non-standard **Current:** Proposed:

# Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

No change

timings:

None

	Current Hours				Licen	sable Area	
	Start:	End:	Start:	End:	Curre	nt:	Proposed:
Monday	Unrest	ricted	No cha	nge	Groun	d floor	Increase in licensable
Tuesday	Unrest	ricted	No cha	nge	and ba	asement.	area in basement.
Wednesday	Unrestricted		No change				Change of layout and
Thursday	Unrestricted		No change				introduction of bar on
Friday	Unrestricted		No change				ground floor.
Saturday	Unresti	ricted	No change				
Sunday	Unrest	ricted	No cha	nge			
Seasonal	Curr	ent:				Proposed	:
variations:	None			No change	)		
Non-standar	d Current:					Proposed	:
timings:	None	Э				No change	)

Late night refreshment								
Indoors, out	Indoors, outdoors or both			it:		Pro	Proposed:	
				3		No	change	
		rent urs	Proposed Hours		Licensable Area			
	Start:	End:	Start:	End:	Current:		Proposed:	
Monday	23:00	00:30	No cha	nge	Ground floor		Increase in licensable	
Tuesday	23:00	00:30	No cha	nge	and baseme	nt.	area in basement.	
Wednesday	23:00	00:30	No change				Change of layout and	
Thursday	23:00	00:30	No cha	nge			introduction of bar on	

Friday	23:00	3:00   00:30   No change				ground floor.	
Saturday	23:00	00:30	No change	nange			
Sunday	23:00	00:00	No change				
Seasonal	Cur	Current:			Proposed	:	
variations:	Non	e.			No change.		
Non-standar	d Cur	Current:			Proposed	:	
timings:	Hou	Hours on New Year's Eve			No change	9.	
	exte	nded ur	ntil 05:00 on New	1			
	Yea	r's Day.					

Sale by Retail of Alcohol								
On or off sales			Currer	Current :			Pro	posed:
			On sale	es			No (	change
		rent urs	•	osed urs	Licen	Licensable Area		
	Start:	End:	Start:	End:	Curre	nt:		Proposed:
Monday	10:00	00:00	No cha	nge	Groun	d floor		Increase in licensable
Tuesday	10:00	00:00	No cha	nge	and ba	asemer	าt.	area in basement.
Wednesday	10:00	00:00	No cha	nge	_			Change of layout and
Thursday	10:00	00:00	No cha	inge				introduction of bar on
Friday	10:00	00:00		No change				ground floor.
Saturday	10:00	-	No cha	No change				
Sunday	12:00	23:30	No cha	nge				
Seasonal	Cur	rent:				Propo	osed	:
variations:	Non	е				No ch	ange	9
Non-standar	d Cur	rent:				Propo	osed	:
timings:		Christmas Day: 12:00 – 22:30				No ch	ange	•
		New Year's Eve: 10:00 – 22:30						
		From the end of permitted hours						
		on New Year's Eve to the start of						
			ours on N	New Yea	ar's			
	Day							

Hours premises are open to the public							
		Current Hours		Proposed Hours		ises Area	
	Start:	End:	Start:	End:	Curre	nt:	Proposed:
Monday	10:00	00:30	No cha	nge	Groun	nd floor	Increase in licensable
Tuesday	10:00	00:30	No cha	No change		asement.	area in basement.
Wednesday	10:00	00:30	No cha	No change			Change of layout and
Thursday	10:00	00:30	No change				introduction of bar on
Friday	10:00	00:30	No cha	nge			ground floor.
Saturday	10:00	00:30	No cha	nge			
Sunday	12:00	00:00	No cha	nge			
Seasonal	Curi	Current:				Proposed	:
variations:	Non	None				No change	9
Non-standar	lard Current:				Proposed	:	
timings:	Non	е				No change	9

#### 1-C Layout alteration

The application proposes changes to the premises layout, including:

#### Basement:

- 1. Replacement of bar area with dining room;
- 2. General improvements to back-of-house areas and kitchen.

#### Ground Floor:

- 1. Introducing of dining counter and bar (previously located in basement).
- 2. Changes to seating layout.
- 3. Removal of pizza oven.

The primary proposal relates to the relocation of the basement bar to the ground floor as a new dining counter and bar.

#### 2. Representations

2-A Responsible Authorities			
Responsible Authority:	Environmental Health		
Representative:	Mr Ian Watson		
Received:	11 January 2016		

Objection is made to the application on the grounds of Public Safety.

A visit is required to be made to the premises to enable Environmental Health to assess the impact of the application on Public Safety.

2-B Other Pe	rsons		
Name:		Mr Bruce Emery	
Address and/or Residents Association:		Flat 2 14 Old Compton Street London	
Status:	Valid	In support or opposed:	Opposed
Received:	25 December 2015		

I wish to register my strongest objections to the application for a licence for a bar. Over the last eight years there have, as far as I am aware, been numerous applications for a licence, each of which has been rejected. It is extremely disingenuous of the current residents of the basement and ground floor to ignore current planning restrictions, install and open a bar without having a licence to do so and then apply retrospectively for a license in the expectation that presenting the application as a "fate accompli" will allow them to circumvent previous planning decisions taken in the best interest of local residents who are already finding the area already becoming increasingly noisy and rowdy.

I trust you will not allow this devious approach to succeed in overcoming existing planning restrictions.

## 3. Policy & Guidance

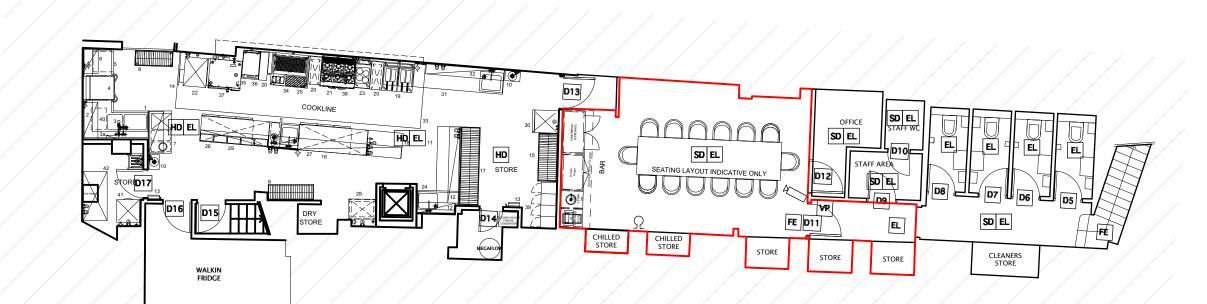
The following policies wapply:	vithin the City Of Westminster Statement of Licensing Policy
Policy CIP1 applies	<ul> <li>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</li> <li>(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.</li> </ul>

## 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:	Mr Nick Nelson
	Senior Licensing Officer
Contact:	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

#### Appendix 1





#### Fire Alarm & Emergency Lighting Ref BS5839:2002 and BS5206:2005

Means of Escape Capacity	
Occupancy rates are based upon BS 5588 Part 2 Table 2	
Area	Total
Basement Floor Demise	120 Sq M
Basement Floor Licensable Area - Internal	26 Sq M
Basement Floor Licensable Area - Including external seating	26 Sq M
Occupancy Levels	14
Basement Floor Area	26
TOTAL NUMBER OR OCCUPANCY & STAFF	14+6=20

					U		5m				
		1	CCTV Camera		Scale 1:50						
			Red outline Proposed Area of Licensable Activities								
	Fire Protec		tic fire detection system to be	FC	9 litre wet chemical extinguisher	HD	Ceiling mounted heat detector	1F	1 hour fire door including overhead door closures, fi	intumescent smoke seal strips and positive ire stops and sign	
	Installation of an automatic fire detection system to be fitted throughout in accordance with BS 5839 Part 1 1980.		FW	9 litre wall mounted water fire extinguisher	SD2	SD2 Smoke detector to be mounted within ceiling void			comprising FR glass and hw beads in minimum size of vision panel 250mm dia.		
	PP	Emergency pu	sh pad with sign	СР	Manual fire alarm call point location	FG	Fire door keep clear sign located on direction of opening side door	FE	Emergency exit sign indic means of escape.	ating direction of	
1	В	Wall mounted	fire blanket in container	EL	Maintained emergency light	FAP	Fire alarm panel	$\lesssim$	Fire alarm sounder		
1	CO	2Kg wall mour	nted Carbon Dioxide Fire Extinguster	SI	Illuminated exit sign over door	L	Keep door locked sign located on direction of opening side door	AVF	Audio/visual fire alarm	Life system contractor to ensure strict compliance to local and national criteria at	
	FO	9 litre foam fi	re extinguisher	SD	Ceiling mounted smoke detector	1/2F	Half hour fire door including intumescent smoke seal strips and positive overhead door closures, fire stops and sign	s RP	Repeater panel	design stage. The keys and symbols on this layout should be noted and modified if required.	

1 DOORS & PARTITIONS REQUIRED TO BE FIRE RESISTING ARE TO BE IN ACCORDANCE WITH BRITISH STANDARDS BS 476 1972 AS AMENDED.

5 FIRE SAFETY RELATED SIGNS AND NOTICES TO CONFORM TO CURRENT BRITISH STANDARDS. 6 ILLUMINATED 'EXIT' SIGNS ARE TO CONFORM TO BS 5499 PARTS 1&3.

7 FIRE FIGHTING EQUIPMENT IS TO COMPLY WITH BS EN3 1-6, BS 7863 (1996), BS 7867 (1997) AND BS 5306 (2000).

9 CURTAINS AND OTHER TEXTLE HANGINGS MUST BE INHERENTLY FLAME RETARDANT OR BE TREATED WITH DURABLE FLAME RETARDANT. THEY MUST BE CAPABLE OF COMPLYING WITH TYPE B' PERFORMANCE REQUIREMENTS OF BS 5857 PART 2 1980 - "SPECIFICATION FOR FABRICS FOR CURTAIN AND DRAFES - FLAMAMBLITY REQUIREMENT."

10 ARTIFICIAL FOLIAGE AND OTHER DECORATIVE EFFECTS ARE TO BE FIRE RETARDANT TO THE SATISFACTION OF OF THE FIRE AUNTHORITY

11 LININGS AND SURFACE FINISHES OF WALLS AND CEILINGS SHOULD HAVE SURFACE SPREAD OF FLAME RATING AS DEFINED IN THE BUILDING REGULATIONS 1991.

GENERAL NOTES

- 1. ALL FINISHES ARE TO CONFORM TO THE REQUIRED CURRENT BUILDING REGULATIONS IN THE APPLICABLE COUNTRY (IN A U.K. RESTAURANT ALL FINISHES ARE TO BE CLASS 1 OR EQUIVALENT)
- 2. CONTRACTORS MUST VERIFY ALL SITE DIMENSIONS, DRAWINGS, DETAILS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES TO STONEBLUE PROJECTS LTD. BEFORE PROCEEDING WITH ANY WORK
- 3. ALL REQUESTED DRAWINGS SHOWING FIXINGS AND CONSTRUCTION DETAILS ARE TO BE APPROVED BY STONEBLUE PROJECTS LTD. PRIOR TO COMMENCEMENT OF WORK
- 4. ALL SPECIFIED ITEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS
- 5. CONTRACTOR TO PROVIDE A WORKING ENVIRONMENT WHICH CONFORMS TO THE CURRENT HEALTH AND SAFETY AT WORK CONDITIONS AND LOCAL AUTHORITY REGULATIONS
- 6. ALL FINISHES ARE TO BE CARRIED OUT TO A HIGH STANDARD
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- 11. THIS DRAWING IS THE READ IN CONJUNCTION WITH THE OTHER RELEVANT CONSULTANTS DRAWINGS
- 12. COPYRIGHT OF STONEBLUE PROJECTS LTD. NOT TO BE REPRODUCED

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Floor - Licensing Plan

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REVISION

Stoneblue Projects I design, project management, cost consultants

12 Bedford Road Twickenham Middlesex

TW2 5EW

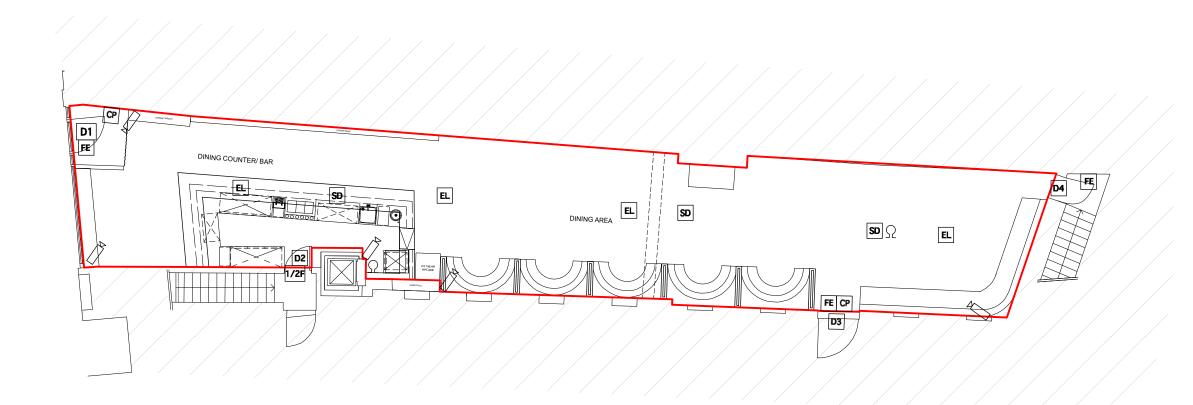
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PROJEC1

ray@stoneblueprojects.co.uk





#### Fire Alarm & Emergency Lighting Ref BS5839:2002 and BS5206:2005

Means of Escape Capacity	
Occupancy rates are based upon BS 5588 Part 2 Table 2	
Area	Total
Ground Floor Demise	107 Sq M
Ground Floor Licensable Area - Internal	98 Sq M
Ground Floor Licensable Area - Including external seating	98 Sq M
Occupancy Levels	77
Ground Floor Area	107 Sq M
TOTAL NUMBER OR OCCUPANCY & STAFF	77 + 6 = 83

		CCTV Carnera  Red outline Proposed Area of Licensable Activities		Scale 1:50		mc l			
Ins fit	PP Emergency B Wall mount CO 2Kg wall m	natic fire detection system to be cordance with BS 5839 Part 1 1980.  push pad with sign ed fire blanket in container punted Carbon Dioxide Fire Extinguster in fire extinguisher	FC FW CP EL SI SD	9 litre wet chemical extinguisher 9 litre wall mounted water fire extinguisher Manual fire alarm call point location Maintained emergency light Illuminated exit sign over door Ceiling mounted smoke detector	EC	Ceiling mounted heat detector  Smoke detector to be mounted within ceiling void  Fire door keep clear sign located on direction of opening side door  Fire alarm panel  Keep door locked sign located on direction of opening side door  Half hour fire door including intumescent smoke seal stri and positive overhead door closures, fire stops and sign	IF VP FE  AVF	overhead door closures, f Vision panel in door comp	orising FR glass and hw beads in num size of vision panel 250mm dia.

STANDARDS REQUIRED TO BE ACHIEVED IN RESPECT OF FIRE & SAFETY MATTERS

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4 THE EMERCENCY LIGHTING INSTALLATION IS TO COMPLY WITH BRITISH STANDARD BSS206: 2005 THE ATTENTION OT THE DESIGN INSTALLING ENGINEER SHOULD BE DRAWN TO PARAGRAPH 4.3 (CONSULTATION OF RECORDS) OF SS206: 2005. WHICH EQUI

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В	08.12.15	Minor amendments to labeling
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		NSTRUCTION
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	FI	oor - Licensing Plan
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### Stoneblue Projects I

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NUMBER

04.08

REVISION

design, project management, cost consultants

12 Bedford Road Twickenham Middlesex TW2 5EW

NOV 2015

RD PROJEC1

s2404

ray@stoneblueprojects.co.uk

## **Licence & Appeal History**

Application	Details of Application	Date Determined	Decision
Conversion and variation application	Application to convert the licence to LA03	1 October 2015	Granted under delegated authority
05/06948/LIPCV			
Transfer application 07/10653/LIPT	Transfer to Newultra Limited	21 January 2008	Granted under delegated authority
Vary DPS	Application to vary the	21 January 2008	Granted under
07/10802/LIPDPS	designated premises supervisor	21 dandary 2000	delegated authority
Vary DPS	Application to vary the	10 March 2008	Granted under
08/01410/LIPDPS	designated premises supervisor		delegated authority
Vary DPS	Application to vary the	24 February 2009	Granted under
08/08905/LIPDPS	designated premises supervisor		delegated authority
Variation application	Application to vary the	10 July 2009	Granted under
09/04030/LIPV	premises licence to refurbish the premises		delegated authority
Transfer application	Transfer to Made In	28 April 2010	Granted under
10/02047/LIPT	Italy Group Limited		delegated authority
Variation application	Application to vary the	1 July 2010	Granted by Licensing
10/02561/LIPV	premises licence so as to change the layout		Sub-Committee
Vary DPS	Application to vary the	26 July 2010	Granted under
10/03419/LIPDPS	designated premises supervisor		delegated authority
Transfer application	Transfer to Bone	27 March 2015	Granted under
15/00756/LIPT	Daddies Limited		delegated authority
Vary DPS	Application to vary the	27 March 2015	Granted under
15/00757/LIPDPS	designated premises supervisor		delegated authority
Variation application	Application to vary the	9 April 2015	Granted by Licensing
15/00761/LIPV	premises licence so as to change the layout		Sub-Committee

There is no appeal history

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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

#### **Conditions: On Current Licence -**

#### Mandatory:

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

P = D+(DxV)

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that subparagraph 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 which reproduce the effect of any restriction imposed on these of the premises by specified enactments

#### Conditions related to the Sale of Alcohol

- 9. Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
- (c) On Christmas Day: 12:00 to 22:30;
- (d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.
- (e) On New Year's Eve on a Sunday, 12:00 to 22:30.
- (f) 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 (or, if there are no permitted hours on the following day, midnight on 31st December).

#### NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club:
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;

- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 10. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- 11. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

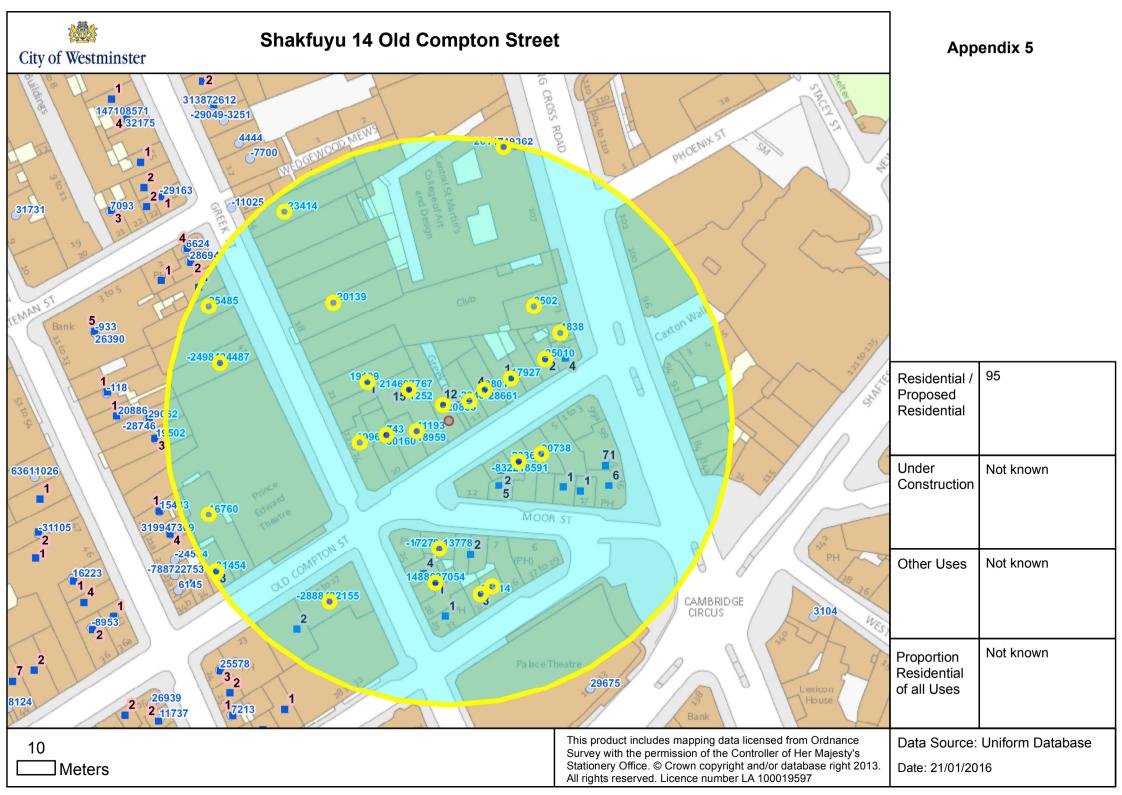
#### Annex 2 – Conditions consistent with the operating Schedule

- 12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 13. The supply of alcohol shall be by waiter or waitress service only.
- 14. 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.
- 15. 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.
- 16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 17. All tables and chairs shall be removed from the outside area by 23.00 each day.

#### Annex 3 – Conditions attached after a hearing by the licensing authority

- 18. Draught sales of alcohol shall be limited to a single Japanese beer.
- 19. Customers waiting for a table will be asked to wait in the bar area.
- 20. 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.
- 21. All extractor fans shall be switched off at 23:00 hours.

- 22. The bar area shall only be used as a waiting area for customers waiting to be seated in the restaurant. Alcohol shall only be served to customers in this area who will be bona fide taking a substantial table meal in the restaurant.
- 23. The bar is not allowed to have a name separate from the restaurant name.
- 24. The bar is only for customers waiting for their tables and not to be used as a separate space (e.g. not by customers not eating on the premises).
- 25. Greek Court shall not be used for storage, deliveries or refuse and the exit door to Greek Court shall not be used except in an emergency.
- 26. 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.
- 27. 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 are 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 request.
- 28. 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) any faults in the CCTV system
  - (f) any visit by a relevant authority or emergency service
- 29. The number of persons accommodated at any one time in the Basement shall not exceed 25 persons (excluding staff). The capacities are based on the drawings reference number 01/B-05.03.15
- 30. There shall be no takeaway of food or drink at any time.



	Pr	remises within 75 metres of: Shakfuyu, 14 O	ld Compton Street
p/n	Name of Premises	Premises Address	Opening Hours
15/01353/LIPV	La Polenteria	Flat 3 16 Old Compton Street London W1D 4TL	Friday 07:30 - 00:00 Monday to Thursday 07:30 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
13/01185/LIPVM	Montagu Pyke	Third Floor 101 Charing Cross Road London WC2H 0DT	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
06/06018/WCCMAP	Y Ming	Second Floor Flat 27 Greek Street London W1D 5DF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
09/01147/LIPV	G-A-Y Bar	Flat 4 18A Old Compton Street London W1D 4TN	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:30
15/06088/LIPRW	NY Fold	Penthouse West 109 Charing Cross Road London WC2H 0DT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
08/09144/LIPD	The Vintage House	First Floor And Second Floor 20 Old Compton Street London W1D 4TW	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
14/10732/LIPDPS	Lab Bar	Fourth Floor Flat 32 Old Compton Street London W1D 4TP	Monday to Saturday 09:00 - 00:30 Sunday 12:00 - 23:00
14/03450/LIPDPS	L'Escargot	Second Floor 47 Greek Street London W1D 4EE	Monday to Sunday 10:00 - 01:00
14/09011/LIPDPS	Eat Tokyo	Flat 8 14 Old Compton Street London W1D 4TH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/04123/LIPDPS	Pizza Express	Second Floor 18 Greek Street London W1D 4DS	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
12/03369/LIPVM	Soho House	Second Floor Flat 9 Old Compton Street London W1D 5JF	Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
13/09939/LIPDPS	Patisserie Valerie	20 Old Compton Street London W1D 4TW	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
06/05480/WCCMAP	Taro Japanese Restaurant	Basement To First Floor 8 Old Compton Street London W1D 4TE	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
15/04626/LIPDPS	Cafe Boheme	9 Old Compton Street London W1D 5JF	Monday to Saturday 09:00 - 05:00 Sunday 12:00 - 00:00
14/10169/LIPT	Trattoria Da Aldo	49 Greek Street London W1D 4EG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00  Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:00
14/10204/LIPDPS	Hotel Chocolat	Flat 13-17 Old Compton Street London W1D 5JH	Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30  Sunday 09:00 - 01:00 Monday to Thursday 09:00 - 01:30 Friday to
15/01531/LIPDPS	Bar Soho	15 - 17 Old Compton Street London W1D 5JH	Saturday 09:00 - 03:30
15/00761/LIPV	Shackfuyu	Flat 4 10A Old Compton Street London W1D 4TG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/07071/LIPDPS	Z Hotel	35-38 Romilly Street London W1D 5AN	Monday to Sunday 00:01 - 00:00
06/05103/WCCMAP	Jazz After Dark	14 Greek Street London W1D 4DP	Monday to Thursday 09:00 - 02:30 Friday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Sunday 12:00 - 00:00
12/06841/LIPV	Soho Whisky Club	First Floor To Third Floor 20 Old Compton Street London W1D 4TW	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00 Monday to Thursday 10:00 - 23:00
15/10322/LIPDPS	Ed's Easy Diner	First Floor And Second Floor 10 - 11 Moor Street London W1D 5NF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/03541/LIPT	New World Restaurant	10 Moor Street London W1D 5NF	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 01:00
15/05523/LIPDPS	Muriel's Kitchen	Flat 5 12 Old Compton Street London W1D 4TQ	Monday to Sunday 07:00 - 01:30
12/10955/LIPDPS	The Gallery Soho	103 Charing Cross Road London WC2H 0DT	Monday to Sunday 00:00 - 00:00

13/07159/LIPN	La Polenteria	Flat 3 16 Old Compton Street London W1D 4TL	Friday 07:30 - 00:00 Monday to Thursday 07:30 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
10/02561/LIPV	Made In Italy	Flat 4 10A Old Compton Street London W1D 4TG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/08372/LIPRW	Balans Cafe	Flat 1 18A Old Compton Street London W1D 4TN	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
13/04738/LIPVM	Dozo	30 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
14/03170/LIPVM	Londis	Flat 2 21 Greek Street London W1D 4DX	Monday to Sunday 08:00 - 03:00
11/00185/LIPT	Maison Touaregue	Second Floor 23 - 24 Greek Street London W1D 4DZ	Monday to Sunday 09:00 - 03:30
15/04634/LIPDPS	Soho Kitchen And Bar	First Floor Flat 9 Old Compton Street London W1D 5JF	Monday to Sunday 00:00 - 00:00
14/02200/LIPN	Bar Termini	First Floor 7 Old Compton Street London W1D 5JE	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30
06/06013/WCCMAP	The Stockpot	Flat 9 16 Old Compton Street London W1D 4TL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/11029/LIPDPS	Byron	Apartment 2 109 Charing Cross Road London WC2H 0DT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/03152/LIPVM	Club 49	Basement And Ground Floor 48 Greek Street London W1D 4EE	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
13/10111/LIPDPS	Piccolo Diavolo	First Floor East Front 4-6 Old Compton Street London W1D 4TB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/04245/LIPDPS	La Bodega Negra	34 Romilly Street London W1D 5AN	Monday to Sunday 00:00 - 00:00
11/06024/LIPT	Coach & Horses Public House	Basement 27 Greek Street London W1D 5DF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50

If	you	have	any	queries	about	this	report	or	wish	to	inspect	one	of	the
ba	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 <sup>th</sup> January 2011					
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015					
4	Application form	14 December 2015					
5	Current Premises Licence	20 April 2015					
6	Representation from Environmental Health	11 January 2016					
7	Representation from Mr Bruce Emery	25 December 2015					