

Licensing Sub-Committee Report

Item No:	
Date:	17 November 2016
Licensing Ref No:	16/10195/LIPN - New Premises Licence
Title of Report:	Hummus Bros 88 Wardour Street London W1F 0TH
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:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 September 2016		
Applicant:	Hummus Bros (Exmouth Market) Limited		
Premises:	Hummus Bros		
Premises address:	88 Wardour Street London W1F 0TH	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises will operate as a restaurant over the ground floor.		
Premises licence history:	The premises has not previously been licensed.		
Applicant submissions:	The applicant has proposed 19 conditions in the operating schedule (see Appendix 4).		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-B Other Persons	
Name:	The Soho Society
Address and/or Residents Association:	55 Dean Street London W1D 6AF
Received:	20 October 2016

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 Cumulative Impact Area.

New licensed premises in the West End Cumulative Impact Area:

The proposal is for a new licensed premises in the West End Cumulative Impact Area. The new Sale by Retail of Alcohol Off Premises licensable activity is of particular concern, with reference to Westminster City Council stress area and cumulative impact policy. Such new licenses should be prohibited. These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. It is concerning that such a license could be given to an A1 takeaway establishment and this is not in accordance with the licensing objectives.

Licensing policy and cumulative impact:

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1).

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2). 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 the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are 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.

Conclusion:

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

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.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy CIP1 applies	(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. (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.
Policy HRS1 applies	(i) Applications for hours within the core hours will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.
Policy PB2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1. □

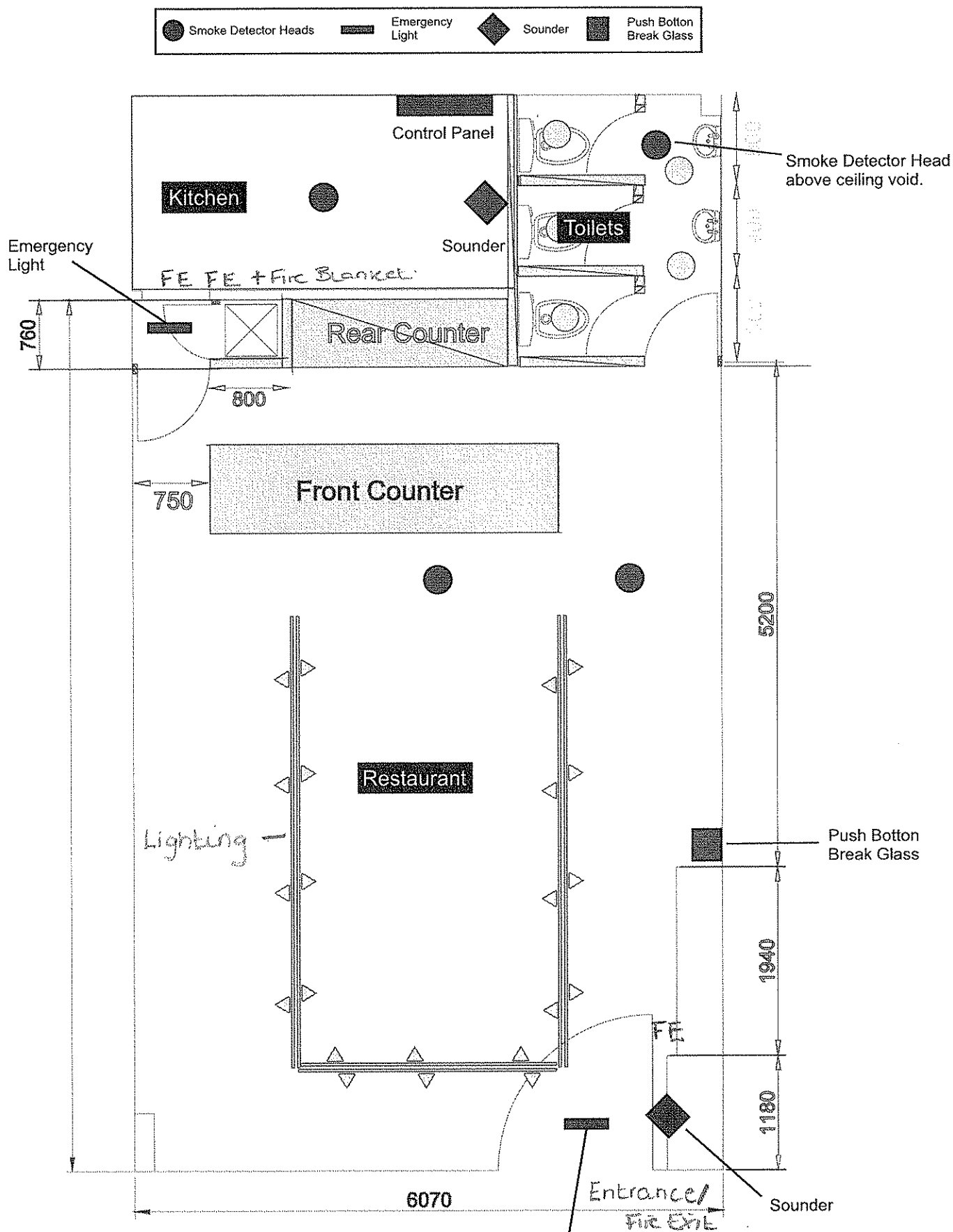
4. Appendices

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

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Hummus - Soho - Fire Alarm System

Existing Smoke Detector Head Positions



ENTIRE STORE TO BE LICENSED
FOR THE SALE OF ALCOHOL

Scale: 1:100 @ A5

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. 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.

10. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hummus restaurant
11. 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.
12. 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.
13. 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
 - (g) any visit by a relevant authority or emergency service.
14. 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.
15. No super-strength beer, lager or cider of 5.5% ABV or above shall be sold at the premises except for premium beers and ciders supplied in glass bottles.
16. No spirits shall be sold at the premises save for spirit mixtures of less than 6.5% ABV.
17. No draught beer, lager or cider shall be sold at the premises.
18. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 45 persons.
19. 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.
20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

23. 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.
24. 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.
25. The premises shall only operate as a restaurant:
 - (a) which do not provide any take away service of food or drink after 23.00, and
 - (b) 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.
26. There shall be no sales of hot food or hot drink for consumption off the premises after 2300.
27. 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.

Premises within 75 metres of: Hummus Bros, 88 Wardour Street

p / n	Name of Premises	Premises Address	Licensed Hours
2213	Polpetto	11 Berwick Street London W1F 0PL	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
2660	Wahaca	Ground Floor To First Floor 80-82 Wardour Street London W1F 0UN	Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:00
28111	Banana Tree Restaurants Ltd	103 - 109 Wardour Street London W1F 0UN	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
-7665	Amathus	Hammer House 113-117 Wardour Street London W1F 0UN	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-968	Soho Hotel	Soho Hotel 4 Richmond Mews London W1D 3BD	Monday to Sunday 00:00 - 00:00
8044	Vapiano	84 - 86 Wardour Street London W1F 0TG	Monday to Thursday 07:00 - 00:30 Sundays before Bank Holidays 07:00 - 00:30 Friday to Saturday 07:00 - 01:30 Sunday 07:00 - 23:30
8184	Pickle And Toast	72 Wardour Street London W1F 0TD	Friday 07:00 - 00:00 Monday to Wednesday 07:00 - 23:00 Thursday 07:00 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 22:30
27112	Bunnychow	74 Wardour Street London W1F 0TE	Sunday 07:30 - 23:00 Monday to Saturday 07:30 - 23:30
30795	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29199	Lo-Profile	Basement 84 - 86 Wardour Street London W1F 0TG	Monday 09:00 - 01:30 Tuesday to Wednesday 09:00 - 02:30 Thursday 09:00 - 03:30 Friday to Saturday 09:00 - 04:00 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-23115	Princi	Basement And Ground Floor 135 - 139 Wardour Street London W1F 0UT	Monday to Sunday 00:00 - 00:00
-15637	Meza	Ground Floor 100 Wardour Street London W1F 0TN	Monday to Wednesday 09:00 - 02:30 Thursday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
-11023	Byron	99 Wardour Street London W1F 0UF	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 - 22:30
-9678	Freedom	Basement And Ground Floor National House 60-66 Wardour Street London W1F 0TA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
-7615	Foxcroft & Ginger	3 Berwick Street London W1F 0DR	Friday 08:00 - 00:00 Monday to Thursday 08:00 - 23:00 Saturday 09:00 - 00:00 Sunday 09:00 - 22:30
-6594	Busaba Eathai	108-110 Wardour Street London W1F 0JL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
3678	MasQMenos	Basement And Ground Floor 68-70 Wardour Street London W1F 0TB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:00
12094	Flat White Limited	17 Berwick Street London W1F 0PT	Monday to Friday 08:00 - 22:00 Saturday to Sunday 09:00 - 22:00 Sundays before Bank Holidays 09:00 - 23:00
13518	Honest Burgers	Basement And Ground Floor 4 Meard Street London W1F 0EF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
26191	De Lane Lea Sports & Social Club	Ground Floor 75 Dean Street London W1D 3SQ	Monday to Saturday 11:00 - 23:00

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
4	Application form	21 September 2016